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ABSTRACT

This volume of essays and activities is written for use in the eighth grade course "United States and New York State History." The volume follows the chronology from the Civil War to the present, emphasizing child labor during those years. The essays are intended for teachers but can be mastered by many students. The activities focus on child labor and social history and are suited to the peer orientation of middle school students. The book is divided into four sections: (1) "Child Labor in the Gilded Age: 1865-1900"; (2) "The Struggle for Child Labor Reform: 1900-1933"; (3) "The 'High-Water Mark' of Child Labor Reform: 1933-1960"; and (4) "The Resurgence of Child Labor: 1960 to the Present." Guiding questions for the volume are the inter-related questions of: (1) "Which children should work?"; (2) "What work should children do?"; and (3) "Under what conditions should children work?" (EH)

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# FROM Forge TO FAST FOOD

## A History of Child Labor in New York State

*Volume II*
*Civil War to the Present*

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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

November 1995

Dear Colleague:

We are pleased to present you with the second volume of *From Forge to Fast Food*, just published by the New York Labor Legacy Project housed at the Council for Citizenship Education at Russell Sage College. This teacher guide has been published and distributed with the support of a grant from the Child Labor Education Fund of the New York State Department of Labor, the contributions of labor organizations, and this special mailing by the New York State Education Department.

This teacher guide has been written for use in the eighth-grade course, "United States and New York State History." The chapters follow the chronology of that course, from the Civil War to the present; the essays are intended for teachers but can be mastered by many eighth-grade students; the activities were developed by middle-school teachers; and the focus on child labor is ideally suited to the social history emphasis of that course and to the peer orientation of middle-school students.

This volume completes the saga of child labor history in New York State begun in Volume I of *From Forge to Fast Food*, from colonial times through the Civil War. Volume I was distributed to seventh-grade social studies teachers through BOCES and in New York City by Community School Districts. Please contact your BOCES or Community School District Office if seventh-grade teachers in your school did not receive their copy.

The Labor Legacy Project is very proud to acknowledge the exceptional collaborative effort undertaken by its member organizations to make both volumes of *From Forge to Fast Food* possible: the New York State AFL-CIO, the New York State Council for the Social Studies, the New York State Department of Labor, the New York State Education Department, the New York State Occupational Information Coordinating Committee, New York State United Teachers, and the Council for Citizenship Education at Russell Sage College.

If you or your colleagues would like to order additional copies of either volume, please contact the Council for Citizenship Education.

Sincerely,

Dr. Stephen L. Schechter
*Coordinator, New York Labor Legacy Project Executive Committee*

Dr. George E. O'Connell
*Chair, New York Labor Legacy Project Executive Committee*

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*Coordinator, Curriculum and Instruction, New York State Education Department*

# From Forge to Fast Food:
# A History of Child Labor in New York State

A Teacher's Guide
For the 7th & 8th Grade Course
U.S. and New York State History

Volume II: Civil War to the Present

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# A History of Child Labor in New York State

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Volume II: Civil War to the Present

by Richard B. Bernstein

with Teaching Strategies by
Kathleen Cotugno-Surin, Raymond A. LeBel, and Stephanie A. Schechter

Prepared for the New York Labor Legacy Project
A joint effort of:
New York State AFL-CIO
New York State Building and Construction Trades Council
New York State Council for the Social Studies
New York State Department of Labor
New York State Education Department
New York State Occupational Information Coordinating Committee
New York State United Teachers

Administered by the Council for Citizenship Education, Russell Sage College

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Published for the New York Labor Legacy Project 1995
by the Council for Citizenship Education, Russell Sage College

The New York Labor Legacy Project was created in 1988 as the result of cooperative efforts among five state governmental agencies and three state labor organizations to commemorate the 50th anniversary of the New York State Constitutional Convention of 1938, which adopted an amendment known as Labor's Bill of Rights. The founding members included: the New York State AFL-CIO, the New York State Building and Construction Trades Council, the New York State United Teachers, the New York State Commission on the Bicentennial of the U.S. Constitution, the New York State Department of Labor, the New York State Education Department, the New York State Occupational Information Coordinating Committee, and the New York State Workers' Compensation Board. They were joined by the New York State Council for the Social Studies in 1989-90. Since its founding, the New York Labor Legacy Project has undertaken educational programs to advance understanding of the relationships between labor and law in New York State and American history and society.

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## Preface

*From Forge to Fast Food* is a guide to assist teachers in fashioning their history classrooms into learning environments where curriculum content and student development meet.

The premise is simple: one way to engage young people in the study of state and national history is to make young people the subject of that study. When studying the colonial period, for example, why not examine the evolving roles of children as colonial apprentices, indentured servants, slaves, and family workers in the settlement of our state and nation? What was it like for young people to live and work in colonial times in New Netherland and New York? What do their lives at work teach us about the concepts of childhood, family, community, and society? How do these questions and the answers to them evolve with the state and the nation? How did the life of the child change in the new nation, the age of homespun, the Civil War, the age of urbanization and industrialization, and our own age of fast food and hi-tech? What are the primary examples of child labor today, and how do these compare with child labor in earlier times? What are the rights and responsibilities, and the risks and rewards, of child labor today? And what are the needs and expectations of the world at work for young people in the decades ahead?

*From Forge to Fast Food: A History of Child Labor in New York State, Colonial Times through the Civil War* addresses these questions and others in a collection of essays written by Janet Wells Greene and supplemented by suggested classroom activities aimed at a middle school course in U.S. and New York State History. The activities are suggestions only—designed to "jump start" teacher creativity along lines that are true to history while being developmentally appropriate.

The second volume, *From Forge to Fast Food: A History of Child Labor in New York State, From the Civil War to the Present*, consists of four essays written by Richard B. Bernstein, supplemented by suggested classroom activities. In this volume, the subject naturally shifts in the age of reform from child labor in society to child labor as a subject of political reform and public policy.

The essays, along with the other resource material in both volumes, can be used by students for individual or group projects seeking to discover what was happening not only in the nation but also in the State of New York. In this way, the essays can also enrich the teacher's classroom reference material on New York. Together, both volumes provide the teacher with a continuous history of this important yet neglected subject of our state and national history.

## Acknowledgments

This publication, like all such endeavors, is a product of many hands and minds. Stephen L. Schechter coordinated the publication process from the initial recruitment of the authors to the printing of their work. He was joined by Paul F. Cole and George E. O'Connell, who as members of the executive committee, coached this publication to completion. Along the way, they diligently reviewed each draft of each manuscript with careful attention to both detail and overall design. They in turn were joined by several members of the Labor Legacy Project, especially Joyce Durgerian, George Gregory, Kevin E. Jones, and David J. Nyhan, who remained involved in this project from beginning to end providing friendly support and good counsel at each step of the process. George Gregory also reviewed the manuscript upon completion of its final draft.

Richard B. Bernstein would like to thank Dean Harry Wellington and the library staff of New York Law School, the Brooklyn Public Library, and Thomas C. Mackey.

The authors were assisted in their work by the staff of the Council for Citizenship Education, Russell Sage College: Karen Birsner helped do the library research needed to identify bibliographic resources; Julie E. Herlands copyedited the manuscript; and Pamela Walker assisted in the final preparation of the manuscript. The authors of the teaching strategies were also supported by their school district, Niskayuna Central Schools, and assisted by the good counsel of Henry Mueller, chair of social studies for the Niskayuna middle schools. In addition, David J. Nyhan, then executive director of the New York State Occupational Information Coordinating Committee enabled interns, Victoria Gray and Sean Rafferty, to prepare the pocket guide for students that becomes part of the culminating teaching strategy presented in chapter 4 of this volume.

Three other member institutions, notably the New York State AFL-CIO, the New York State Department of Labor, and the New York State Education Department, provided ongoing support for this project in a variety of ways—from the physical facilities made available for our meetings to the moral encouragement of its officials who continued to support the investment of time that project members devoted to this undertaking.

The historical content of this manuscript was reviewed by Clete Daniel, an eminent professor of labor history at the School of Industrial and Labor Relations, Cornell University, and by Janet Wells Greene who authored the first volume of this two-volume publication. The pedagogical dimension of the manuscript was reviewed by educators from around New York State who participated in a Child Labor History Workshop on September 17-18, 1994, in Albany.

A final note of acknowledgment and thanks goes to those who assisted in raising the funds needed to undertake this project. The research and writing of this publication was made possible with one of the first grants from the Child Labor Education Trust Fund, an innovative educational assistance foundation established by the New York State Department of Labor, under the chairmanship of then Labor Commissioner John F. Hudacs. The printing of this volume was made possible with the assistance of Edward J. Cleary and Paul F. Cole, President and Secretary-Treasurer, respectively, of the New York State AFL-CIO, who reached out far and wide to AFL-CIO member organizations. Contributions for this project were received from: the Amalgamated Clothing and Textile Workers Union; the International Ladies' Garment Workers Union; the New York State AFL-CIO; Public Employees Federation; the Retail, Wholesale, and Department Store Workers Union; the Service Employees International Union; the Transport Workers Union; and the United Federation of Teachers, Local #2. In the final hours of this project we received a crucial second grant from The Child Labor Education Trust Fund, under the chairmanship of Labor Commissioner John E. Sweeney, that ensured the completion of this volume.

# Introduction

As historian Walter I. Trattner observed in 1970, "children have always worked."[1] Throughout American history, children have worked alongside their parents in family farms and businesses or on their own, either to support themselves or to supplement their family's income. Most Americans have regarded the question of child labor with equanimity; then and now, they have believed, with considerable justification, that it is good for children to have at least some work experience before they become adults. Work builds character, reinforcing children's sense of their independence, responsibility, and worth; work enables children to understand adult life and adult responsibilities, giving them both deeper understanding of the burdens shouldered by their parents and other adults and the grounding that will enable them to shoulder these burdens for themselves when they become adults.

Both then and now, those who have raised the issue of child labor have not done so to support the proposition that children must never work. Rather, they have focused on three linked questions:

- ***Which children should work?*** That is, at what age, depending on the kind of work at issue, should children be permitted to work at all?

- ***What work should children do?*** That is, at what ages should they be permitted to do what kinds of work, and what if any kinds of work should be performed only by adults?

- ***Under what conditions should children work?*** That is, what relationships should subsist among the kinds of work children should do, the hours during which they can work, the conditions of their work places, and the pay they are to receive for that work?

These questions do not have abstract, timeless answers; rather, as these essays illustrate, their answers alter, depending on the specific historical context governing the conditions of child labor.

These four essays survey the child labor problem in America from the end of the Civil War to the present day. They juxtapose the national context in which the child labor issue arose with specific illustrations and responses in New York State and seek to identify reciprocal influences between the national and New York responses to child labor as an issue and a problem requiring the attention of government.

## Endnotes

1. Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 21.

# Chapter 1: Child Labor in the Gilded Age 1865–1900

## Context: Child Labor in the Gilded-Age United States

From the end of the Civil War to the beginning of the twentieth century, child labor moved from being an unremarkable condition of economic life to the threshold of becoming a major social, economic, educational, political, and legal issue. This period, popularly called the Gilded Age from the 1872 novel by Mark Twain and Charles Dudley Warner,[1] witnessed dramatic changes in the historical context in which American children worked. We can trace the roots of these changes to the three major historical developments that shaped the age:

- ***industrialization***—the rise of the industrial economy and of accompanying issues of law, governance, and public policy;
- ***urbanization***—the dramatic growth of the nation's cities as focal points for population growth and demographic change, and as centers of commerce, culture, education, news, and politics; and
- ***immigration***—the effects on American identity, politics, and culture of the great waves of immigration from eastern, central, and southern Europe and from Asia.

The interaction of these developments added richness and complexity to late nineteenth-century American history; more important for our purposes, they reshaped the context in which Americans considered whether, when, how, and for what compensation children should work. We first consider how each development affected the nation and the child labor issue as a whole; we then focus on the experience of the people of New York State.

### Industrialization

Although the push to build American industry dates back to the earliest days of the American republic, and although (as Alexander Hamilton's 1791 "Report on Manufactures"[2] makes clear) Americans assumed the utility, desirability, and morality of child labor, a key factor in the reshaping of child labor was the dramatic growth and diversification of American industry during and after the Civil War.[3] The explosion of technological innovations in this period transformed the American nation. National systems of transportation (railroads and steamship lines) and communication (telegraph systems, complemented and eventually surpassed by telephone networks) helped to create a large, unified economic system. These developments also shaped a new American culture, one that assimilated technological changes with increasing speed and complacency. Americans began to take for granted that their lives could be improved by such innovations as mass-produced, ready-made clothing; comparatively instantaneous communication spanning the continent and the oceans; the rise of mass newspapers, magazines, and books; and the resulting creation and dissemination of a national popular culture.[4]

These technological changes also affected the lives of millions of ordinary Americans, for they transformed the conditions of work and the range of occupations available to those who sought to work. The ability to produce more goods of different types stimulated consumer demand; thus, manufacturers needed more workers both to generate the raw materials to feed the ever-growing demand for finished goods and to make and sell those goods. This growing demand for labor gave rise to a growing demand for child workers in both raw-material industries and finished-goods industries.

- For example, the demand for cloth for ready-made clothing and other purposes in turn stimulated the rapid proliferation of mills and the number of child workers. The fabric mills created a wide range of jobs that could be—and were—filled by children, such as "feeders" (who would put ready-made collars through pressing machines); "back boys"

(who would clear the floors of cotton mills of discarded bobbins and trash); and "doffers" (who would replace "twister" machines' filled bobbins with empty bobbins).

- The dramatic growth of modern urban newspapers gave rise to a widely-recognized symbol of the Gilded Age—the streetwise "newsboys" or "newsies," who would sell newspapers on streetcorners or on streetcars or subways.

### Urbanization

American history has always manifested a reciprocal relationship between industrialization and urbanization, but the heyday of that relationship was the Gilded Age. In the decades during and following the Civil War, the nation's cities grew apace with the growth of industry. After Appomattox, urbanization joined with industrialization to dominate the evolution of American society.[5] Cities mushroomed in this period:

> *By 1890 nine of every ten people in Rhode Island clustered in towns, and Massachusetts had a larger proportion of people in towns of 10,000 than any nation in Europe. One district of New York's Eleventh Ward, with a density of 986 per acre, was probably the most crowded spot on earth; even the notorious Koombarawara district of Bombay had but 760 persons per acre. In the twenty years from 1880 to 1900 the population of New York City increased from a little less than two to almost three and a half million; Chicago grew from half a million to a million and a half, to become the second city in the nation; such cities as Detroit, Cleveland, Buffalo, Milwaukee, Indianapolis, Columbus, Toledo, Omaha, and Atlanta more than doubled. In 1880 there were 19 cities with a population of 100,000 or more; by 1910, there were 50.*[6]

In the emerging nation of cities, thronged with ever-more people fleeing the decline of American agriculture or (as shown below) immigrating to a land of promise from Europe and Asia, more and more children found their way into the American labor force.

One of urbanization's principal contributions to the growth of child labor was the rise of tenement manufacturing. Such trades as clothing and cigar manufacturing employed whole families in airless, crowded slum buildings and neighborhoods, working them up to twelve hours per day. The few, outnumbered inspectors of housing conditions regularly found themselves outwitted by manufacturers, corrupt building superintendents, and even the workers themselves.[7]

### Immigration

The late nineteenth century was one of the great ages of immigration in American history. This era of immigration differed from previous immigration booms in two key respects: scale and sources. In many ways, the change in sources of immigration was more important than the change in scale. By far the largest sources of immigrants in this period were the nations of central, eastern, and southern Europe—the new, fragile nations of Italy and Germany and the ailing empires of Austria-Hungary and Russia; these immigrants were refugees from economic privation and political and religious persecution. This period also witnessed the first great waves of Asian immigration, mostly from China but with trickles of immigrants from Japan and Korea as well. Many immigrant families had come from lands with even fewer barriers to the idea of children working than the United States, and the immigrant families' desperate scramble to support themselves and possibly better their lot in their new homes spurred thousands of children into the labor force. Immigration was a particularly powerful force in shaping the child labor problem in such entry ports as New York City.[8]

## Education or Work: A Continuing Debate

As more children entered the labor force, an increasing number of individuals and organizations rose to challenge the trend—arguing that all children, instead of working, should attend school. Such educational leaders as Horace Mann and Henry Barnard campaigned for a system of free universal public education, drawing on strong support from reformers of various sorts, including labor unions.[9]

The education versus work debate has roots early in the history of the American republic. In the early 1800s, some schools for the children of the poor opened—but workers resented the stigma attached to them and demanded instead a system

of public schools open to all children, without social or economic or class distinctions. As early as 1829, the Workingmen's Party in New York City adopted a resolution demanding a school system "that shall unite under the same roof the children of the poor man and the rich, the widow's charge and the orphan, where the road to distinction shall be superior industry, virtue and acquirement without reference to descent."[10] In 1834, unions from around the nation met in New York City and recommended the establishment of "an equal, universal, republican system of education."[11]

These demands for universal public education met strong opposition, which fell into two categories:

- Some opponents of universal public education accepted child labor as necessary for economic growth and national prosperity and resisted any effort to siphon away a significant portion of the national labor force.

- Other opponents of universal public education argued that it would not meet the goals its advocates set for it. These adversaries maintained that children of poor and working-class families would not benefit from education.

These two positions often combined in arguments against universal public education. For example, in one editorial the Philadelphia *National Gazette* wove both arguments together to present what its editors deemed an irrefutable case:

> *[Universal, equal education is impossible if trade, manufacturing and manual labor are to be successfully prosecuted—unless the standards be greatly lowered and narrowed. . . .*
>
> *The 'peasant' must labour during those hours of the day which his wealthy neighbor can give to abstract culture of his mind; otherwise, the earth would not yield enough for the substance of all: the mechanic cannot abandon the operation of his trade for general studies; most of the conveniences of life and objects of exchange would be wanting; languor, decay, poverty, discontent would soon be visible among the classes.*[12]

Though the battle for education had some early successes—including the founding of free public school systems in Pennsylvania (1834) and New Jersey (1838)—these successes were only partial; attendance in the Pennsylvania and New Jersey systems was voluntary rather than required, leaving those children who had to or wanted to work rather than attend school free to do so. The other states followed the Pennsylvania and New Jersey examples over the next four decades; even so, these states made few and hesitant efforts to reconcile the conflict between child labor and compulsory education.[13]

## From Condition to Issue: Child Labor in New York State

Although urbanization, industrialization, and immigration spurred the rapid growth of child labor in the United States—the 1880 census indicated that about six percent of the nation's children between ten and fifteen years of age "worked in some kind of industry"—they operated with even greater speed and force in New York State, "the leading industrial state in the nation."[14] Estimates in the 1880s of the number of children employed in the state ranged from a low of 60,000 to a high of well over 200,000—more than eight percent of the state's labor force and about seventeen percent of New York's children.[15] As historian Jeremy Felt noted:

> *They worked making artificial flowers, driving teams, laying bricks, packing fish, tanning leather, and butchering cattle. Some were machinists, buttonmakers, confectioners, painters, plumbers, or glassworkers. Others worked in the fields and canning factories, or in the cotton, hosiery, silk, woolen, hemp, and jute mills. There were livery stable keepers, bartenders, seamstresses, janitors, sailors, and even auctioneers under sixteen.*[16]

Moreover, these children were also reaping a bitter harvest—of gradual damage to their health, and of specific traumatic and disfiguring injuries, and even of death. For example, in 1882 two reformers—Elbridge Gerry, founder and president of the Society for the Prevention of Cruelty to Children, and Dr. Abraham Jacobi, president of the New York State Medical Association—recognized

that the damage to the health and lives of child workers constituted a new and appalling cost of labor. Historians of the subject agree:

> *Children helped New York attain [its] preeminence [as "the leading industrial state in the nation"], though in the course of their labors some fell down elevator shafts, burned to death, were mangled by machinery, worked standing in several inches of water, delivered messages to houses of prostitution, stood on their feet for twelve hours a day, sold newspapers at two o'clock in the morning, or froze to death in delivery wagons.*[17]

The three general categories of injury to children were (i) inhaling harmful materials; (ii) what modern doctors would call repetitive stress injuries; and (iii) injuries from machinery.[18]

In the 1880s, only 35 percent of the state's children between five and twenty-one attended public school[19]—despite the enactment of a state compulsory attendance law in 1874. The statute, backed by reformer Charles Loring Brace and his Children's Aid Society, required children between eight and fourteen years old to attend fourteen weeks of school per year, with at least eight of those weeks being consecutive; children had to produce certificates confirming their previous year's school attendance. And yet this law was fatally flawed, for children and their parents simply lied about their age to exempt themselves from the law's coverage; moreover, school officials were required to enforce the law, yet were given no additional funds or support to carry out these duties. Moreover, many educators did not believe that they should run the risk, by enforcing the compulsory attendance law, of depriving needy families of the vital added income produced by child workers: "[W]hile every community would approve the compulsory attendance, in a suitable school, of idle and vagrant boys, there would be little sympathy in the project of taking children from work when the proceeds of their labor are needed for the support of indigent and infirm parents."[20] And some educators were dubious about the value of compulsory education; at least one expressed relief that the poorest children in his community were more likely to work than to go to school, noting that "the compulsory attendance of the element attempted to be reached by the law would be detrimental to the well-being of any respectable school."[21]

Ironically, just as educators were ambivalent about their inability to enforce compulsory education laws for child workers, the children themselves were ambivalent about the comparative values of education and work. In a 1914 study of child labor in Chicago, factory inspector Helen Todd questioned 500 factory workers between fourteen and sixteen years of age about their opinions of school; more than four-fifths of those she questioned (412) declared that they would rather work and gave a remarkable range of reasons for their preference. One, who probably recalled school with bitterness, said, "They ain't always pickin' on you because you don't know things in a factory." Another noted the relative freedom he experienced in the workplace from religious bigotry: "The children don't holler at ye and call ye a Christ-killer in a factory." A third expressed grim practicality: "You can buy shoes for the baby." Echoing this perspective, a fourth made pointed comments comparing the relative value of schooling and work: "I got three cards with 'excellent' on 'em, an' they never did me no good. My Mother kept 'em in the Bible, an' they never did her no good, neither. They ain't like a pay envelope." A fifth saw the issue in terms of pure power: "School ain't no good. The Holy Father he can send you to hell, and the boss he can take away yer job er raise yer pay. The teacher she can't do nothing."[22] If such expressions represent the attitudes of most children who worked in this period, and they probably do, then the poorest children of Gilded-Age America seem to have had just as little use for the schools as the schools had for them.

In the 1870s and early 1880s, reformers of various stripes determined that child labor was becoming a serious issue that required some sort of government response, but the challenge proved beyond their powers to address. Children's advocates such as the Children's Aid Society, "good government" societies such as the Citizen's Association, crusading journalists, and politicians each tried their hand at the problem. The problem was that, "[l]ike the blind man describing an elephant, each saw the solution in the particular part of the problem he happened to be observing."[23] Few reformers recognized, as the preeminent historian of New York's struggle with child labor pointed out, "[t]hat child labor, slums, crime, poverty, and vice were the results of society's failure to cope with its industrial revolution and not of individual

depravity. . . . Hence the solutions were superficial, the results negligible and short-lived. . . . [C]ommunity improvement organizations of the era . . . struck the edge of the child labor problem and glanced off into other endeavors."[24] Organized labor, more powerful and more politically skilled than the reformers, seemed more likely to goad the state's government to strike a blow against the abuses of child labor. And yet, like the reform and charitable organizations before it, organized labor only saw and acted on part of the problem. Some labor leaders regarded child labor principally as a threat, manipulated by employers, to the employment prospects of adult New Yorkers;[25] in their view, employers reasoned, "Why hire an adult for a dollar when you can hire a kid for a dime?" Others focused on education, continuing their demands for a system of free, universal public education to prepare all for a better life. In 1869, for example, a convention of African-American unionists demanded "a free school system, recognizing no distinction on account of race, color, creed, or previous condition."

Beginning with its founding convention in 1881, the American Federation of Labor demanded compulsory attendance laws, confronting directly the choice between educating children and funneling them into the labor market. Six years later, AFL delegates adopted a compulsory-attendance-laws resolution "so as to enable [the children] to acquire an education letting them to become intelligent and important factors in the regulation of laws and the system of government under which they live." In 1893, AFL President Samuel Gompers promised his organization's convention vigorous action on behalf of the nation's working children:

> *The damnable system which permits young and innocent children to have their lives worked out of them in factories, mills, workshops, and stores is one of the very worst of labor's grievances. We shall never cease our agitation until we have rescued them, and placed them where they should be, in the schoolroom and playground.*

Despite these demands for action, New York State was slow to respond effectively. Not until 1886 did the New York legislature enact a statute, the Factory Act of 1886, that both survived constitutional challenge and made a stab at combating the problem. Ironically, the first step was the establishment in 1883 of New York State's Bureau of Labor Statistics. Even though its leaders were uncertain of their legal authority and tended to accept both employers' and workers' statements at face value, the Bureau's investigations—particularly its 1883-1884 examination of the Harmony Cotton Works of Cohoes, New York—helped to gather and focus public demands for action on the question of child labor. Reporting that he found some of the children profoundly ignorant of the most basic facts of the world around them, Commissioner Charles F. Peck reported that he had seen

> *hundreds of thin and scantily clad girls and boys ranging from eight to fifteen years of age, hurrying home with dinner pail in hand. . . . [T]heir sallow, parchment-like complexion, dwarfed bodies, pinched and care-worn faces spoke more eloquently than words. . . . Any system of labor which results in such injury to the physical nature and an ignorance so deplorable as found among these children . . . is not only a disgrace, but will . . . prove dangerous to the prosperity and stability of our free institutions.*[26]

The Factory Act was the product of the first successful alliance among organized labor, reform and charitable organizations, and the state's politicians. It barred children under thirteen from working in manufacturing establishments; required that all children thirteen or older produce notarized affidavits signed by their parents confirming their age; and set a maximum work week of sixty hours per week for minors under eighteen and women under twenty-one. And yet the law was more symbolic than real; the legislature established penalties (up to $100 for each "knowing[ ]" violation) that were laughably small and standards that child workers and their parents could evade with ease. Finally, the law set up a pitifully small force of inspectors to enforce it. Two inspectors (ten by 1887, twenty-nine by 1896, and fifty by 1907) were charged with overseeing tens of thousands of factories.[27] Not only could they not inspect all these factories—they had virtually no chance to reinspect those factories found to be violating the statute to make sure that the violations they had found were corrected. A patchwork of partial amendments over the next fifteen years—for example, shifting the power to issue certificates from individual

notaries public to local boards of health; adjusting the minimum age for child workers upward and the number of hours per week downward; establishing literacy tests for child workers—accomplished little, especially as employers and employees alike became adept at evading the law's commands. One particularly common dodge was to have children work the statutory weekly maximum hours over three days—two twenty-four hour days and a third day of twelve hours—and take full advantage of the statute's loophole permitting additional work to carry out "necessary repairs."[28] Moreover, even when inspectors could bring a case against employers for violating the law, their case's Achilles' heel was that the children refused to testify against their employers, whether due to fear of reprisal or to simple worry that they would lose their jobs.[29]

In addition to its impossible task, the state's inspection force had periodically to overcome the stigmata of administrative ineffectiveness and political corruption. The crusading district attorney William Travers Jerome charged: "[T]here are few laws the laboring man can ask for that Tammany is not willing to put upon the statute book; but the habit of enforcing the laws . . . has long since been lost by Tammany and anyone may disregard those laws who chooses to put down the stuff [that is, paid bribes]."[30]

In sum, though on paper New York had a set of apparently admirable laws regulating child labor and prohibiting its worst abuses, Jeremy Felt charges that "[i]n practice . . ., the new laws had not accomplished any significant reduction in child labor. They were not only difficult to enforce, but probably were not intended to be enforced." He cites one particularly damning statistic: "During the period 1887-1901, the average annual total of fines levied for violations of the *entire* factory law (including child labor violations) was $969."[31] Between 1886, when the state government began to keep comprehensive figures, and 1900, the percentage of children under sixteen working in New York's factories stayed at about four percent—it did not grow due to the efforts of the state's labor inspectors, but it did not drop because the state government took no effective measures to reduce that rate. But the problem was larger than governmental indifference or incapacity:

> *The underlying difficulty was . . . [that] [p]ublic opinion was largely indifferent, and no real attempt had been made to mobilize it. Even among those most interested in social problems, there was indecision about goals and a tendency to rush from one creaking spot in the industrial structure to another. . . . Only a concerted drive on the child labor problem in its largest sense—careful attention to the entire environment of the child—would be of lasting benefit.* [32]

The period between the enactment of the Factory Act of 1886 and 1900 is encapsulated in Felt's phrase, "legislation without enforcement."[33]

## Endnotes

1. Mark Twain and Charles Dudley Warner, *The Gilded Age: A Tale of To-day* (1872; New York: Signet Classics/New American Library, 1972).

2. Alexander Hamilton, "Report on Manufactures," 5 December 1791, reprinted in Harold C. Syrett et al., eds., *The Papers of Alexander Hamilton*, 27 vols. (New York: Columbia University Press, 1961-1987), 10: 1-340 (final draft, 230-340) (esp. 252, 253, 270).

3. Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quandrangle Books, 1970), 31-32; and see generally Robert Penn Warren, *The Legacy of the Civil War: Meditations on the Centennial* (New York: Random House, 1961); Daniel J. Boorstin, *The Americans: The Democratic Experience* (New York: Random House, 1973).

4. See Boorstin, *The Americans: The Democratic Experience*, passim; Thomas R. Hughes, *American Genesis* (New York: Viking Penguin, 1989), passim.

5. See generally Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill & Wang, 1978).

6. Samuel Eliot Morison, Henry Steele Commager, and William E. Leuchtenberg, *A Concise History of the American Republic*, 2d ed. (New York: Oxford University Press, 1983), 500.

7. Jeremy D. Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse, NY: Syracuse University Press, 1965), 11-13. Felt's monograph is the leading history of child labor and child labor reform in New York. It and the research it collects in its pages form the principal bases for the balance of this essay—supplemented by Trattner, *Crusade for the Children*.

8. Trattner, *Crusade for the Children*, 32; and see generally Maldwyn A. Jones, *American Immigration*, rev. ed. (Chicago: University of Chicago Press, 1992); Roger Daniels, *Coming to America* (New York:

HarperCollins, 1992); and Ronald Takaki, *Multicultural America: A History* (Boston and New York: Little, Brown, 1993).

9. See, e. g., "Labor: Champion of Public Education," AFL-CIO Publication No. 121 (Washington, DC: AFL-CIO, 1986).

10. Quoted in "Labor: Champion of Public Education," [1].

11. Quoted in ibid.

12. Quoted in "Labor: Champion of Public Education," [3].

13. Ibid.

14. Felt, *Hostages of Fortune*, 1.

15. Ibid., 1, 17.

16. Ibid., 17-18.

17. Felt, *Hostages of Fortune*, 1. See also ibid., 28-30.

18. Ibid., 28-29.

19. Ibid., 1.

20. Ibid., 7-8 (quote at 8, from B. B. Snow, Superintendent of Schools, Auburn, NY).

21. Ibid., 7-8 (quote at 8, from B. B. Snow, Superintendent of Schools, Auburn, NY).

22. Quotations from Edwin Markham, Benjamin B. Lindsey, and George Creel, *Children in Bondage* (New York, 1914), reprinted in David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925* (Cambridge and New York: Cambridge University Press, 1987), 131-132.

23. Felt, *Hostages of Fortune*, 5.

24. Ibid.

25. See Felt, *Hostages of Fortune*, 11.

26. Quoted in Felt, *Hostages of Fortune*, 15, 1.

27. Felt points out (*Hostages of Fortune*, 21) that this laughably small inspection force is a clear sign that the legislature did not take this statute seriously. The legislature would have had no problem finding far many more qualified inspectors; for example, more than four hundred men applied for the eight new posts created in 1887.

28. Ibid., 27.

29. Ibid., 23.

30. Quoted in Felt, *Hostages of Fortune*, 26 (parenthetical added).

31. Ibid., 31.

32. Ibid., 36.

33. Ibid., 36, and see generally *ibid.*, chap. 2 (at 17-37).

# Teaching Strategies for Chapter 1

## Background for Activity A

It is recommended that student perceptions of child labor be assessed as an introduction to the chapters in this volume. The Child Labor Preview Worksheet should provide the basis for a lively discussion on the topic and increase student interest in child labor. These questions and answers will be reviewed in chapter 4 to show how student perceptions of child labor have changed.

## Activity A

Students will write responses to a series of questions concerning their knowledge about child labor. These questions will form the basis of a discussion on the topic.

## Directions

1. Distribute Child Labor Preview Worksheet. Have students write individual responses.

2. Lead a discussion on child labor based on student responses to the questions. Students should discuss how they arrived at their answers, i.e., hearsay, what they were told, assumption, etc. How did they obtain this information upon which their answers are based?

3. Students (or the teacher) should keep the worksheet so students can review these answers after they have studied the history of child labor. Tell students that by the end of the school year they may change their answers to these questions especially after they learn not only about the history of children at work but about what their rights and responsibilities are in the workplace.

# Child Labor Preview Worksheet

To find out how much you know about child labor, answer the following questions **on your own** to the best of your ability.

1. Why do children work?

2. Why should children work?

3. Why should children not work?

4. At what age should children be permitted to work? Why?

5. What kinds of jobs should children be permitted to do? Why?

6. What kinds of jobs should children not be permitted to do? Why?

7. How many hours per week should children be allowed to work? Why?

8. How much should children be paid?

9. How do your parents feel about children working? (If you have never discussed this with them, do so for homework.)

## Background for Activity B

The Factory Act of 1886 was the product of the first successful alliance among organized labor, reform and charitable organizations, and the state's politicians. It barred children under thirteen from working in manufacturing establishments; it required that all children thirteen or older produce notarized affidavits signed by their parents confirming their age; and set a maximum work week of sixty hours per week for minors under eighteen and women under twenty-one. Even with this law in place many children still worked in violation of it. In the quote below, Charles F. Peck, Commissioner of Statistics of Labor in New York State reported what he saw at that time.

## Activity B

Students will analyze the following quote from Commissioner Peck:

> *[H]undreds of thin and scantily clad girls and boys ranging from eight to fifteen years of age, hurrying home with dinner pail in hand. . . . [T]heir sallow, parchment-like complexion, dwarfed bodies, pinched and care-worn faces spoke more eloquently than words. . . . Any system of labor which results in such injury to the physical nature and an ignorance so deplorable as found among these children . . . is not only a disgrace, but will . . . prove dangerous to the prosperity and stability of our free institutions.*

## Directions

1. Have students read the quote from Commissioner Peck. Have students look up words they do not know. (The teacher can provide copies or use an overhead of the quote.)

2. Have students discuss the appearance of the children in the students' own words. The discussion should include the factors (malnutrition, little rest, mental state, exposure to pollution, loud noise, etc.) that contributed to the physical condition of the children.

3. According to Peck, what are the opportunity costs to society of allowing children to work?

4. Students should also identify and explain the factors (ambivalence toward education, indifferent public opinion, etc.) which fostered the continuation of children working during this period.

## Background for Activity C

Beginning in this period, various photographers including Lewis Hine and Jacob Riis, visually documented the working conditions of children. These photographs set the scene for students in their study of child labor of the period.

## Activity C

Students will analyze and interpret photographs of the period to make conclusions about children at work during this period.

## Directions

1. Provide students with the background from Richard B. Bernstein's essay. Choose photographs which are available from a wide variety of resources: textbooks, library books, commercial photo sets, posters, etc. This activity is most successful with at least ten different photographs. Since this curriculum focuses on New York State, try to use photographs taken in New York. The local or county historical society should be a ready resource for local scenes.

2. Distribute the student worksheet "Photograph Analysis." Review directions with students.

3. Divide the class into groups of three or four to study the photos. Provide each group with one or more photographs. When the analysis is complete, have the groups show their photo(s) and report their findings to the class. Students should record in their notes conclusions drawn as well as questions raised which could not be answered. Answers to these questions may surface during their study of child labor.

4. An alternate activity to a straight presentation is to have students in each group write a skit based on the photos. They should first show their photo(s) to the class to provide the other students with the setting. Conclusions and questions raised should be recorded into notes.

# Photograph Analysis

Student Researcher:

Date of Analysis:

Information about the Photograph:

Size: Kind: Condition:

Approximate Date Taken: Location Taken:

Photographer: Source of Photo:

In your mind divide the photo into four equal parts. Rotate through the parts to fill in the chart below with details of the photo.

| PEOPLE | OBJECTS | SURROUNDINGS | ACTIVITIES | MOOD |
|---|---|---|---|---|
| | | | | |

What are the most important parts of the photo? Why are they important?

What questions are raised by the photo?

What two conclusions can you make about the work and/or the lives of children in the photograph? Answer on the back of this worksheet.

## Background for Activity D

In the late 1800s, New York State passed child labor legislation. One goal of that legislation was to reduce the number of injuries children suffered annually while working. The legislation proved ineffective because it was hard to enforce due in part to the small number of inspectors.

## Activity D

Students will assume the role of an inspector. Their goal is to report on the conditions of children in the workplace during the late 1800s.

## Directions

1. Provide students with background information from the essay. It is important for students to understand the gains and limitations of child labor legislation of the late 1800s as well as the difficulties in enforcing it.

2. Have students read the excerpts from Charles Reznikoff's Testimony and answer the following questions for each excerpt:

- What was the job and the steps of the job performed by the child?
- What factors contributed to the accident described?
- Did the laws at that time prohibit this child from doing this kind of work? Explain.

*Note:* The American poet, Charles Reznikoff, was also a lawyer and editor for the American Bar Association.

3. Have students write a report to be submitted to then Commissioner Charles F. Peck, New York State Bureau of Labor Statistics. They should include:

- a summary of the conditions found, and
- recommendations to the commissioner for legislation to improve these conditions.

*Note:* The following is based on actual law reports of the courts of several states and recast into verse by Charles Reznikoff. The names of all persons are fictitious and those of the villages and towns have been changed.

Charles Reznikoff, *Testimony (1885-1890)*, "The North," "V. Boys and Girls"

3

"Ir. the good old summertime,"
Ellen, all of fourteen, worked in a steam laundry
as a "feeder":
put collars through the machine that pressed them.

The feeder sat on a platform,
collars on the small table in front of her;
the lower roller hot enough to iron collars as they were passed
through,
while the upper roller pressed down upon them
with a pressure of two hundred pounds;
the heated roller was hollow and revolved around gas jets—
so hot that if a collar stopped on it for a minute
it would be scorched.

Ellen saw a collar with a lap on it—
the buttonhole part lapped back on the collar—
put her hand out to pull it away
and her finger was caught in the buttonhole
and she could not get it out
before her hand was drawn between the rollers—
burnt and crushed as she screamed.

* * * * * * * *

Charles Reznikoff, *Testimony (1891-1900)*, "The South," "III. Children"

6

The factory hours were the ordinary hours in the state—
eleven and a half to twelve hours a day.
He had been put to work at eight or nine years of age
and had now been working in the mill more than two years:
all day in the cotton mill
filled with machinery whirring at high speed.
His work was to carry spindels—
or "quills" as they were called—
from the "weaver room" to the "quiller room"
to be refilled;
and at this work had to go up an "alley,"
past a workbench in a corner of the room.

At the workbench just then
one of the help was cutting the wire for "pattern chains"
with a hammer and chisel—
he could not find the nippers usually used—
and as the boy was passing with a "turn of quills"
and looked up at a clock to see what time it was
a piece of wire flew into his eye—
and put it out.

* * * * * * * *

Charles Reznikoff, *Testimony (1891-1900)*, "The North," "VII. Machine Age"

2

All revolving shafts are dangerous
but a vertical shaft,
neither boxed nor guarded against,
most dangerous.

The girl's work for the company was changed
to sweeping the floors:
among other places the floor of a room
where the shaft in a passageway—
between the wall and a machine—
ran from the floor to the ceiling.
In sweeping around it one morning
her apron was caught
and drawn about the shaft
and she was whirled about
striking the wall and machinery.

**********

8

The boys had just been brought to this country
by their parents
and neither boy spoke nor understood any English.
The elder, thirteen years of age,
was working as a "back boy" in the mule spinning-room
and he got his little brother of eight
into the room
to learn the work of a "back boy";
other boys were taking their brothers in to learn
and he understood from their motions what they were doing.

The younger boy went to work cheerfully enough
picking up bobbins
and putting waste into a box—
and if the man in charge ordered him out
he did not understand him.
But he had not been at work a day and a half
before his hand was caught in a gearing—
which the other boys had been told to stay clear of.

********

Charles Reznikoff, *Testimony (1901-1910)*, "The South," "IV. Machine Age"

4

Betty was about eleven. She had no regular work at the mill
but did one thing and then another
and sometimes would take shirts to a table
attached to a mangle.

That morning the machine had not been started
and when she had placed the shirts on the table
[she] rested her fingers on the rollers;
and another little girl who also worked in the mill
started the machine:
it caught Betty's arm and crushed it.

********

Charles Reznikoff, *Testimony (1901-1910)*, "The North," "II. Children at Work"

1

Cutting corn with an ensilage cutter and filling a silo
he had a boy of nine or ten helping him:
the boy to poke the corn with a stick
from the cutter to the carrier. Safe enough—
as long as the knives and cogwheels
were covered with an iron cap.

But a nut that held the cap came off
and the boy was told to hold the cap in place with one hand
and poke the corn with the other,
and he did: crossing his hands,
his left hand on the cap and poking corn with his right.
But after a few minutes
the mitten on his left hand was caught in the wheels
and his hand drawn into the cogs.

2

He was fourteen or fifteen years old
and worked on a machine in the mill.
He started to go to the water-closet
and had reached the stairs
but returned to tell the man in the room
whom he was required to notify
of his absence.
Going back in the darkness between the machines—
for the gas had not yet been lit—
he slipped on some oil on the floor,
threw out his hand,
and it was caught and crushed in the gears of a machine.

***********

4

When Lea was twelve she became a "doffer" in a spinning-
company's mill:
removing the full bobbins from the machines they called
"twisters"
and putting them back empty.
The twisters stood in a row on both sides of a narrow aisle,
three feet or so wide,
and the floor was always slippery because of oil
dripping from the machines.
The bobbins were at times too tight for her—
stuck—
and she was told by the foreman if stuck to kick the bobbin
until it was loosened.

In kicking a bobbin she slipped
and fell against one of the twisters;
her hair, caught in the rollers,
was torn off—
hair,
scalp,
an ear,
and part of her face.

***********

7

He was only thirteen when hired by the steel company—
he had said he was fourteen to get the job
and his mother had signed an affidavit that he was fourteen—
and he went to work in the company's rolling mill:
twelve hours each day, six days a week,
from five in the afternoon until four in the morning,
his work to open and hold open the doors of furnaces
in which iron was placed every half hour;
and he was told to wait between opening the doors
just where he worked.

It was chilly that night and he was tired and sleepy—
for more than a week they had made him work fourteen hours
a day—
and he sat down under an iron door just to rest
after iron had been placed in the furnaces.
As a rule no cars were run over the track
after one o'clock at night
until the iron in the furnaces had been taken away
and he would have nothing to do for about twenty minutes
until they were going to feed ore into the furnaces again.

He fell asleep.
As he slept he heard the cars coming
but he could not get up.
When he sat down his legs were doubled up under him
and now in his sleep he stretched out one of them
until it crossed a rail
and a car crushed his leg—muscle and bones.

********

Charles Reznikoff, *Testimony (1911-1915)*, "The North," "VI. Machine Age"

1

The "mangle" had a hollow cylinder, heated by steam:
above it,
three rollers with belts turning them.
The laundry to be ironed
was carried between cylinder and rollers.
Sometimes an article if not completely dry, passing under the third
roller,
would stick to the roller and wind around it.
Then the machine would have to be stopped
or, generally, the article was just pulled loose
and then sent between cylinder and rollers a second time.

A girl of seventeen, working in the laundry,
in trying to pull a tablecloth from the third roller,
had a finger of her right hand caught between roller and cylinder
and, in her hurry, to pull her hand free,
the fingers of her left hand were also caught;
all the fingers drawn up to the knuckles
and the pressure such that the fingers were flattened
and the bones crushed.

* * * * * * * *

*Source:* These extracts are drawn from Charles Reznikoff, *Testimony: The United States (1885-1915) Recitative* (2 vols.; Santa Barbara, CA: Black Sparrow Press, 1978, 1979).
Volume I: 58-59, 130-131, 238, 242-243.
Volume II: 91, 129-130, 131, 133-134, 247.

## Background for Activity E

Many changes in the United States in the late 1800s increased the use and the abuse of child labor. Industrialization led to the development of new products and transformed the workplace. Urbanization meant that factories and businesses in cities had an increasing number of workers from which to choose. Immigration provided great numbers of workers, many of whom were unskilled.

## Activity E

Students will research and interpret their findings for the key concepts of industrialization, urbanization, and immigration. They will write an essay discussing the demand created for child labor in the late 1800s.

Key Concept I:

1. Define industrialization
2. What changes in industrialization took place in the late 1800s?
3. How did these changes affect the demand for child labor?

Key Concept II:

4. Define urbanization.
5. What changes in urbanization took place in the late 1800s?
6. How did these changes affect the demand for child labor?

Key Concept III:

7. Define immigration.
8. What changes in immigration took place in the late 1800s?
9. How did these changes affect the demand for child labor?

## Directions

1. Place students in base groups of three.

2. Assign each student one of the three key concepts. Students should then leave their base group to join members of other base groups who have been assigned the same key concept. In the jigsaw group, have students research the answers to the questions for their assigned concept. (Student roles in research groups may be defined as recorder, speaker, summarizer, etc.) Members of each concept group should record and understand all information so they can teach the information to the members of their base group. Students should be able to read the information about these concepts from Richard B. Bernstein's essay itself. They also should refer to texts, narratives, and other resources to supplement their answers.

3. Students should then turn to base groups so that each group has an expert on each key concept. Allow time for students to teach one another each key concept. Students should take notes for use when writing their essay.

4. After students in the base groups have discussed and recorded information on all three key concepts, they should be ready to write an individual essay that answers the following question:

> *How did changes in the late 1800s increase the demand for child labor?*

*Note:* Remind students that an essay contains an introduction and conclusion as well as the details for each topic discussed. In this case there are three topics— industrialization, urbanization, and immigration. Each should be discussed in about one paragraph.

## Vocabulary*

Gilded Age
industrialization
urbanization
immigration
raw-material industries
finished-goods industries
tenement manufacturing
census
compulsory attendance law
reformers
organized labor
alliance
affidavits
prohibiting

*Words are listed in the order in which they appear in the corresponding essay.

# Chapter 2: The Struggle for Child Labor Reform 1900–1933

Until the twentieth century, child labor was more a fact of American economic and social life than a problem crying out for reform. By contrast, in the decades between 1900 and the beginning of the New Deal in 1933, the nation and New York State witnessed vigorous contests over whether, when, and how government should use its power to regulate or prohibit child labor. Several factors made this change possible:

- the formation of specialized reform organizations focused on child labor;
- the development by these organizations of sophisticated public information campaigns and political lobbying;
- a series, skillfully exploited by child labor advocates, of horrifying industrial accidents and fires that galvanized public outrage at the conditions that made such tragedies possible;
- the growing involvement of organized labor in efforts to combat or regulate child labor and working conditions; and
- the increasing responsiveness of legislators and executive branch officials to proposals to use the power of government to regulate working conditions.

Campaigns to regulate or prohibit child labor and to improve children's working and educational conditions proceeded on both federal and state levels, and with far different results: Whereas New York became a pioneer in devising and enforcing child labor laws, federal policies repeatedly fell to constitutional challenge in the federal courts, and an attempt to amend the United States Constitution to overcome these supposed constitutional obstacles ran out of steam.[1]

## New York as Trailblazer

Had a survey of public opinion asked New Yorkers around 1900 about child labor, most of the respondents would have described it as a problem in the American South. Most reformers interested in the issue had focused their attention on southern textile mills and agricultural labor, and in 1887 Alabama had enacted one of the nation's first child labor laws, establishing a minimum age of fourteen for factory workers and a maximum working day of eight hours for workers under sixteen; in 1901 the Alabama Child Labor Committee organized, setting a pattern for all later child labor activist organizations.[2] At the same time, the New York State chief factory inspector reported that 50,000 of the state's 1,000,000 factory workers (five percent of the total) were children under eighteen—and some observers deemed this a conservative estimate, arguing that the true figure might be at least 75,000 child factory workers (a rate of 7.5 percent).[3] Similar statistics, reports, and piecemeal informal investigations persuaded several groups of New York reformers that they might follow Alabama's lead.

In 1902, Florence Kelley, a founder of the social work profession, and Lillian Wald, the founder of the Henry Street Settlement, persuaded the Association of Neighborhood Workers that they should take up the issue of child labor. The Association, which brought together members of New York City's thirty-one settlement houses, formed a temporary group to be called the "Child Labor Committee." In its first fund-raising campaign, the committee's organizers declared: "The problem of child labor is one which curiously enough has escaped attention in the general movement for improvement in industrial conditions of this city. [We] therefore propose to discover the extent of this evil."[4] The committee's next action was to launch a series of focused investigations into such spheres as factory work and street trades; each report then received careful and widespread publicity, and sympathetic treatment from the newspapers, with the *New York Tribune* declaring,

"Great interest has been taken all over the country recently in the efforts to reform the evils of child labor in the cotton mills of the South. It now appears that we need to turn our attention homeward."[5] Focusing at first on New York City, the committee also recognized the need to examine conditions throughout New York State's cities, towns, villages, and rural areas.

By 1903, the committee had taken shape as the New York Child Labor Committee (NYCLC), and had developed remarkable skill in presenting its findings and arguments to the state legislature. The year 1903 was a banner year for the law governing child labor. The state legislature—goaded by the NYCLC—enacted five pathbreaking measures, most of them sponsored by Assemblyman Edward R. Finch (Republican-New York County) and Senator Henry W. Hill (Republican-Buffalo), that greatly expanded the scope of New York State's regulation of conditions of labor and focusing on children:[6]

- The Finch-Hill Commercial Establishments Act, the first child labor measure to reach beyond factories and other manufacturing enterprises, barred children twelve and thirteen years old from "vacation work" (that is, work during the summer vacation months of July and August) in stores in the state's larger cities; established a nine-hour-maximum working day for children under sixteen; and repealed the "Christmas exception" that formerly suspended such limits between December 15 and New Year's Day.

- The Finch-Hill Factory Act provided that no child under fourteen could be "employed, permitted, or suffered to work" in a factory or in connection with a factory (thus covering office boys and delivery boys); it also established a maximum nine-hour day for children under sixteen.

- The Finch-Hill amendment to the state Penal Code imposed fines and imprisonment on any person who made a false statement to secure the documents and certificates that the law required a child worker to have.

- The Lewis amendment to the state's compulsory education law required children to stay in school up to the age of fourteen and required working children in the state's larger cities to attend night school to make certain that they received at least an eighth-grade education.

- The Street Trades Act was enacted only in weakened form due to a turf fight with Elbridge Gerry's Society for the Prevention of Cruelty to Children and with municipal court judges. Applying only to newsboys in the state's largest cities, the measure barred boys under ten and girls under sixteen from selling newspapers in the streets. Newsboys ten to fourteen years old had to secure a badge and permit but could sell newspapers on the streets until 10 p.m.

In 1904, responding to the success of the NYCLC, another group of reformers, drawn principally from the struggle against Southern textile mills but with the encouragement of the NYCLC, assembled in New York City to found the National Child Labor Committee. The two groups, though not formally affiliated, generally cooperated thereafter, though they occasionally competed for charitable contributions and clashed on the desirability of federal child labor legislation; the National Child Labor Committee favored such laws and believed them to be the only effective response to a national child labor problem, whereas the NYCLC, based on its frustrating experiences in securing and enforcing new laws at the state level, was more skeptical about the prospects of effective federal legislation.[7]

When, in 1907, the NYCLC incorporated to achieve permanent status, its charter declared its objectives:

> *To promote the welfare of society with respect to the employment of children in gainful occupations; to investigate and report the facts concerning child labor; to raise the standard of parental responsibility with respect to the employment of children; to assist in protecting children, by suitable legislation, against premature or otherwise injurious employment, and to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency; and to aid in promoting the enforcement of laws relating to child labor.*[8]

That same year, the National Child Labor Committee secured incorporation by act of Congress; its

statement of purposes was nearly identical to that of the NYCLC, except that it added the following aim: "to coordinate, unify and supplement the work of State or local child labor committees, and encourage the formation of such committees where they do not exist." The resemblance between these statements of goals indicates the organizations' common roots.[9]

The child labor reformers discovered that the problem pervaded the nation's and the states' economic life, and thus that the goal of regulating or prohibiting child labor had to be tackled on a piecemeal basis. For example, New York reformers had to cope with the state's legal division of cities into three classes based on population, and the corresponding modification of laws to impose differing requirements on New York's first-class, second-class, and third-class cities. Similarly, the state's regulatory laws imposed different requirements and standards on different segments of the economy—splitting factories from retail stores, street trades from retail stores and factories, and industrial from agricultural labor. And, whenever child labor issues arose, the legislature had to review again the complex question of the relationship between child labor laws and compulsory education laws. Often, a general reform—such as the enactment in 1910 and in 1913 of workmen's compensation statutes—raised issues that required separate enactments to cover child workers; thus, in 1923, the state legislature adopted the Double Compensation Law, providing doubled awards to child workers under eighteen who were injured at work. (This law reduced illegal factory labor but did not fulfill the promise of increased compensation for injured child workers.)[10] Nonetheless, over the next three decades, the state legislature enacted a step-by-step program of legislation that gradually tightened the requirements on employers and the limits on when, where, and how children could work.

Though unremitting pressure by the NYCLC and its national counterpart, by crusading newspapers, and by labor organizations helped to secure improvements in the law governing child labor, sometimes a tragedy had to spur public opinion. In 1911, one of the most infamous industrial disasters in American history took place in a crowded sweatshop on the eighth floor of the Asch Building in New York City's Greenwich Village. Onlookers gathered at the corner of Washington Place and Greene Street on March 25, 1911, saw a nightmarish scene, as the Triangle Shirtwaist Company's premises were engulfed by fire. The factory's employees were packed into the factory's small, overcrowded rooms. When the fire started in piles of rags scattered around the rooms, they struggled to escape, but they discovered that the exits were blocked by boxes and heaps of shirts, and that the fire escape ended in a six-foot drop over a glass skylight. Even worse, the heat of the fire had melted the rickety fire escape into uselessness. Some leaped from windows in fright and despair, slapping desperately at their burning clothing, only to fall to their deaths on the street below. Others tried to use the fire escape, only to have it collapse under their weight. One hundred forty-six workers, most of them women and girls as young as fourteen, lost their lives in an inferno still notorious eight decades later.[11]

The Triangle fire galvanized public and press opinion. The Committee on Safety, a citizens' group organized by such leading reformers as Henry L. Stimson, Frances Perkins, and Rabbi Stephen Wise, demanded that the state create a Factory Investigating Commission, and the state legislature enacted the required law on June 30, 1911. Chaired by two noted Progressive lawmakers—State Senator Robert F. Wagner and Assembly Speaker Alfred E. Smith, the Factory Investigating Commission carried out a series of pioneering investigations throughout the state, and issued four massive, well-documented reports between 1912 and 1915; during its first year alone, the commission heard the testimony of 222 witnesses, and the record of that testimony covered 3,489 pages. The Commission investigated issues as diverse as tenement homework and agricultural canneries, street trades, and the health of child workers. Its reports became the driving force behind demands for further legislative reforms and professionalization of the enforcement of the child labor laws.[12] Spurred by the Factory Investigating Commission's investigations, the state legislature continued to enact laws and to expand the powers of the Labor Department. In 1913 alone:

- The legislature empowered the Labor Commissioner to expand the list of dangerous occupations barred to children by the 1909 Voss Dangerous Trades Act without having to get the legislature's approval.

- The legislature banned the tenement manufacture of food, dolls, dolls' clothing, and children's wearing apparel, and forbade

children under fourteen from engaging in tenement homework.

- The legislature extended the 1903 Factory Law to cover manufacturing conducted in cannery sheds (buildings where fruits and vegetables were prepared for processing—e.g., shelling peas and husking corn) and barred children under fourteen from such work.

Not content with merely supporting the work of the Factory Investigating Commission, the NYCLC continued its own investigations. In addition, the NYCLC stepped up pressure to bring the state's education and child labor laws into conformity, but this quest moved with painful slowness and repeated setbacks. For example, in 1916 the state's Wellington Law barred children from working either until they had reached the age of fifteen or unless they had been graduated from the eighth grade. And yet, in 1917, the state enacted a supposed wartime measure known as the Brown Act. This law exempted boys over fifteen in cities and over fourteen in rural areas from compulsory school attendance so that they could undertake military, agricultural, or industrial work, exemptions to be granted at the discretion of the state's Department of Education. Not until 1918, after the armistice ending the First World War, did the Education Commissioner suspend the Brown Law.[13]

## The National Scene: Short-Lived Reform

Historians identify the child labor struggle as an important component of the heterogeneous Progressive movement, and in many ways they are right to do so. Most advocates of child labor reform supported other Progressive measures as well. But the problem with this view is that the child labor reform movement in New York State both predated and survived national Progressivism (at least according to the conventional historical time frame of Progressivism). Child labor reform began before 1900 in New York State and persisted there well into the 1920s and 1930s. As noted above, the Double Compensation Law was adopted in 1923; in 1925 the state established a maximum forty-four-hour work week (that is, an eight-hour day five days a week plus a four-hour Saturday) for children under sixteen who worked in factories and stores; and in 1928 the Labor Law was amended to prohibit employment of any child under fourteen in *any* "trade, business or occupation carried on for pecuniary gain."

By contrast, the national child labor reform movement experienced repeated setbacks and, by the Great Depression, almost total defeat. Those who advocated national action maintained that state-by-state campaigns would result in a checkerboard of jurisdictions that prohibited child labor and jurisdictions that permitted it; the evil would not be removed but simply segregated, and those who wished to avail themselves of child labor simply would relocate their businesses to nonprohibiting or nonregulating states.[14]

The first attempt for federal legislation occurred in January of 1907, when Republican Senator Albert J. Beveridge of Indiana made a powerful speech on the Senate floor calling for national action to abolish what his admiring biographer called "child slavery."[15] Beveridge spent three dramatic days documenting the horrors of child labor to his uncomfortable colleagues and counted it a major achievement that he had put child labor on the national political agenda. Beveridge's arguments were open to serious challenge on constitutional grounds, however; other Senators repeatedly demanded to know how the federal constitutional power to regulate interstate commerce could reach the seemingly local process of manufacturing or invade what they deemed the sacrosanct powers of the states. Beveridge's efforts (in coordination, at first, with those of the National Child Labor Committee) did, however, spur the Labor Department to mount its own detailed investigation of working conditions; the finished report, published in nineteen volumes between 1910 and 1913, complemented the efforts of New York State's Factory Investigating Commission and provided powerful ammunition for other states' legislative responses and for efforts to secure a federal statute on the subject.[16]

Not until 1916 did Congress enact the first federal child labor legislation. The handiwork of two Progressive Democrats, Representatives Robert Owen of Oklahoma and Edward Keating of Colorado, the measure was designed to bar from interstate commerce any product made with the use of child labor. It ran into stiff opposition from congressional delegations from southern states, who cited what one historian called "all the old arguments":

> *the absence of compulsory education to absorb the energies of the liberated child workers; the*

> *necessity of work to prevent the moral perversion of young children; the importance of acquiring, while young, the necessary skills for future work in the textile factories; the robbing of widowed mothers of their livelihood; the abridgment of the inherent personal right to work; and the illegal invasion of states' rights.*[17]

Nonetheless, after threats of filibusters and complex maneuvering by the bill's supporters to win over President Woodrow Wilson, who had had serious constitutional scruples about signing the measure, on September 1, 1916, the Keating-Owen bill became law, to take effect in one year from the date of the President's signature.[18] But before the act *did* go into effect, the Executive Committee of Southern Cotton Manufacturers announced their intention to challenge the measure's constitutionality. On August 31, 1917, a federal district judge in North Carolina ruled in the case of *Hammer v. Dagenhart*, striking down the federal child labor law as a violation of the Constitution's limits on congressional power to regulate interstate commerce. Nine months later, after extensive briefs and oral arguments, the United States Supreme Court agreed, by a vote of five to four.[19] As Justice William Rufus Day declared for the majority:

> *If Congress can thus regulate matters entrusted to local authorities by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end, and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.*[20]

Congress tried again, hoping that grounding a child labor law on some other constitutional foundation than the congressional power to regulate interstate commerce would satisfy the Court. This time, it simply levied a tax on products manufactured with the use of child labor. Again southern textile manufacturers mounted a vigorous and well-financed legal challenge to the measure. In 1922, in *Bailey v. Drexel Furniture Co.*, the Court rejected the second statute by a vote of eight to one. Chief Justice William Howard Taft declared for the majority that the statute at issue in *Bailey* was indistinguishable from that struck down in *Hammer v. Dagenhart*; he carried three of the four dissenters in *Hammer* with him, and the lone dissenter in both cases, Justice Joseph H. Clarke, did not even bother to write an opinion in *Bailey*.[21]

In the wake of *Hammer v. Dagenhart* and *Bailey v. Drexel Furniture*, the last-ditch prospect for federal authority to regulate child labor was a constitutional amendment overturning the two Supreme Court decisions. Thus, in May of 1924 Congress proposed an amendment to the Constitution to the states:

> SECTION 1. *The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.*
>
> SECTION 2. *The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.*

Although its supporters predicted that it would win swift adoption by the requisite thirty-six states, the amendment soon bogged down, as a host of opponents from a variety of perspectives unleashed a powerful propaganda campaign against the amendment. *The New Republic* commented: "The friends of the amendment were totally unprepared to combat the flood of distorted propaganda which let loose upon them. They had been accustomed to argue their case before reasonable and attentive human beings. They suddenly found themselves compelled to discuss a matter of public policy with a monstrous jazz band."[22] Opponents included southern textile manufacturers, representatives of conservative religious denominations (who feared that the amendment would be an opening wedge in a government campaign to supplant traditional family structures), leaders of patriotic organizations, states' rights advocates, and opponents of any proposal that smacked of socialism or Communism.[23] Even in New York, one of the most advanced states in the field of child labor legislation, the amendment's supporters could not even get the state legislature to consider the amendment for more than a decade after it was proposed.[24]

Thus, by 1933, though New York had become a leading state in developing laws and enforcement mechanisms in the field of child labor reform, the national campaign had all but ground to a halt, with little help from the Empire State.

## Endnotes

1. On the federal issues, see generally Stephen B. Wood, *Constitutional Politics in the Progressive Era: Child Labor and the Law* (Chicago: University of Chicago Press, 1968).

2. Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and of Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 45-67, esp. 51-55; Jeremy D. Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse, NY: Syracuse University Press, 1965), 74.

3. Felt, *Hostages of Fortune*, 63.

4. For the founding of the Child Labor Committee, see Felt, *Hostages of Fortune*, 43-46 (quote at 44).

5. Quoted in Felt, *Hostages of Fortune*, 49; see generally *id.*, 47ff., for descriptions of the committee's publicity campaign and its results.

6. Felt, *Hostages of Fortune*, 51-62.

7. On the founding of the National Child Labor Committee, see Trattner, *Crusade for the Children*, 57-67; Wood, *Constitutional Politics*, 10-13; and Felt, *Hostages of Fortune*, 45, 74-75. On relations between the National Child Labor Committee and the NYCLC, see Felt, *Hostages of Fortune*, 74-75.

8. Quoted in Felt, *Hostages of Fortune*, 71-72.

9. Quoted in Trattner, *Crusade for the Children*, 246 n. 39.

10. See Felt, *Hostages of Fortune*, 81-84.

11. See the still-authoritative account by Leon Stein, *The Triangle Fire* (Philadelphia: J. B. Lippincott Co., 1962), passim, and the summary in Felt, *Hostages of Fortune*, 86-87.

12. See Felt, *Hostages of Fortune*, 87-88, 104, 143, 144, 173-176, 242 n. 67. See also *Preliminary Report of the Factory Investigating Commission*, 3 vols. (Albany, NY: Argus Co., 1912); *Second Report of the New York State Factory Investigating Commission*, 4 vols. (Albany, NY: J. B. Lyon Co., 1913); *Fourth Report of the New York State Factory Investigating Commission*, 5 vols. (Albany, NY: J. B. Lyon Co., 1915).

13. Felt, *Hostages of Fortune*, 96-127.

14. See Wood, *Constitutional Politics*, passim.

15. See Wood, *Constitutional Politics*, 13ff. (esp. 13 n. 40, citing Claude G. Bowers, *Beveridge and the Progressive Era* [Boston: Houghton Mifflin, 1932], 250-252).

16. See Wood, *Constitutional Politics*, 20-21. The report is United States Department of Labor, *Report on the Condition of Women and Child Wage Earners*, 19 vols. (Washington, DC: U. S. Government Printing Office, 1910-1913). On the hesitant efforts of the National Child Labor Committee, which at first supported national legislation and then elected to wait for the completion of the Labor Department report, see Trattner, *Crusade for the Children*, 69-93.

17. Trattner, *Crusade for the Children*, 127-128.

18. The most detailed analysis of the legislative maneuverings is in Wood, *Constitutional Politics*, 22-80; see also Trattner, *Crusade for the Children*, 119-131.

19. The case, *Hammer v. Dagenhart*, appears at 247 U. S. 251 (1918). The briefs are found in Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* (Arlington, VA: University Publications of America, 1975), 18: 831-986. See generally Trattner, *Crusade for the Children*, chap. V. Also see generally the discussion in Wood, *Constitutional Politics*, 81-176.

20. *Hammer v. Dagenhart*, 247 U. S. at 276.

21. 259 U. S. 20 (1922). See Wood, *Constitutional Politics*, 177-299, for the most complete analysis of the legal maneuverings and constitutional arguments that culminated in *Bailey*. The briefs are collected in Kurland and Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* (Arlington, VA: University Publications of America, 1975), 21: 1-190.

22. *The New Republic*, xlii (May 20, 1925), 350, quoted in Trattner, *Crusade for the Children*, 169.

23. See Trattner, *Crusade for the Children*, chap. VII, passim; Wood, *Constitutional Politics*, 186-188, 221n, 263, 300; Richard B. Bernstein, *Amending America* (New York: Times Books/Random House, 1993), 179-181; Clement E. Vose, *Constitutional Change: Amendment Politics and Supreme Court Litigation Since 1900*, a Twentieth Century Fund Study (Lexington, MA: Lexington Books/D.C. Heath, 1972), 248-250; Alan P. Grimes, *Democracy and the Amendments to the Constitution* (1978; Lanham, MD: University Press of America, 1988), 101-104; and Michael E. Musmanno, *Proposed Amendments to the Constitution: A Monograph on the Resolutions Introduced in Congress Proposing Amendments to the Constitution of the United States of America*, House Doc. No. 551, 70th Cong., 2d sess. (1929; Westport, CT: Greenwood Press, 1976), 137-145.

24. Felt, *Hostages of Fortune*, 195-216 passim.



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# Teaching Strategies for Chapter 2

## Background for Activity A

On March 25, 1911, 146 workers, many of them girls, were killed in a fire at the Triangle Shirtwaist Company in New York City. The Triangle fire galvanized public and press opinion and led to substantial gains in the child labor movement in New York State.

## Activity A

Students will analyze and compare data from newspaper articles and testimony on the Triangle fire and Imperial Foods Company fire which killed twenty-five people in a North Carolina chicken processing plant in 1991. Although there were no children involved in the Imperial fire, many of the victims were single parents impacting children's lives nonetheless. Students will then write a letter to the editor of a newspaper of today using evidence from the accompanying chart concerning the deplorable conditions of labor then and now.

## Directions

1. Divide students into groups.

2. Distribute the worksheet, Fire! 1911/1991, along with the accompanying newspaper accounts and Kate Alterman's testimony. The teacher may decide to use jigsaw groups for this activity. Students should complete the chart from the assigned readings as well as from additional readings and pictures of the Triangle fire easily found in texts and history books. Pictures and articles of the Imperial Foods fire are readily available in any library or media center. Since this activity will generate much discussion, it is advisable to have the additional resources available for student use.

3. In a large group discussion, have the small groups share their answers and record them on a master chart.

4. Have students write a letter to the editor of a local newspaper, citing the conditions which contribute to unsafe work areas and including recommendations to improve these conditions.

*Source:* This activity is based upon a lesson from the *Crossroads* Middle School curriculum of Niskayuna Central Schools and the Council for Citizenship Education, Russell Sage College.

## Enrichment Activities

1. Have students develop a skit or role play based upon the testimony of Kate Alterman.

2. A challenging exercise for students is to use the information in Richard B. Bernstein's essay for this period to develop two timelines in which they compare the advances made in New York State concerning child labor with those of the national effort.

# Fire! 1911/1991

Use information from the readings about the Triangle Shirtwaist Company fire and the Imperial Foods Company fire to fill in the chart below.

| Questions | Triangle Fire (1911) | Imperial Foods Fire (1991) |
|---|---|---|
| **1. How many died?** | | |
| **How many were children?** | | |
| **2. What started the fire?** | | |
| **3. What were the causes of death?** | | |
| **4. What prevented people from escaping?** | | |
| **5. Give examples of panic among workers.** | | |
| **6. Give examples of how buildings were unprepared for fire.** | | |

Draw a conclusion: If you were checking factories for fire safety, what would you look for?

# Triangle Shirtwaist Reading

The following excerpt is from the March 26, 1911, issue of *The New York Times:*

*141 Men and Girls Die in Waist Factory Fire;*
*Trapped High up in Washington Place Building;*
*Street Strewn with Bodies; Piles of Dead Inside*

Three stories of a ten-floor building at the corner of Greene Street and Washington Place were burned yesterday, and while the fire was going on 141 young men and women, at least 125 of them mere girls, were burned to death or killed by jumping to the pavement below.

The building was fireproof. It shows now hardly any signs of the disaster that overtook it. The walls are as good as ever; so are the floors; nothing is the worse for the fire except the furniture and 141 of the 600 men and girls that were employed in the upper three stories.

Most of the victims were suffocated or burned to death within the building, but some who fought their way to the windows and leaped met death as surely, but perhaps more quickly, on the pavements below.

At 4:40 o'clock, nearly five hours after the employees in the rest of the building had gone home, the fire broke out. The one little fire escape in the interior was never resorted to by any of the doomed victims. Some of them escaped by running down the stairs, but in a moment or two this avenue was cut off by flame. The girls rushed to the windows and looked down at Greene Street, 100 feet below them. Then one poor little creature jumped. There was a plate glass protection over part of the sidewalk, but she crashed through it, wrecking it and breaking her body into a thousand pieces.

Then they all began to drop. The crowd yelled "Don't jump!" but it was jump or be burned—the proof of which is around in the fact that fifty burned bodies were taken from the ninth floor alone.

The victims, who are now lying at the Morgue waiting for some one to identify them by a tooth or the remains of a burned shoe, were mostly girls of from 18 to 23 years of age.

There is just one fire escape in the building. That one is an interior fire escape. In Greene Street, where the terrified unfortunates crowded before they began to make their mad leaps to death, the whole big front of the building is guiltless of one. Nor is there a fire escape in the back.

The building itself was of the most modern construction and classed as fireproof. What burned so quickly and disastrously for the victims were shirtwaist, hanging on lines above tiers of workers, sewing machines placed so closely together that there was hardly aisle room for the girls between them, and shirtwaist trimmings and cuttings which littered the floors above the eighth and ninth stories.

According to two of the ablest fire experts in the city the great loss of life at the shirtwaist factory fire can be accounted for by the lack of adequate instruction of the girls in the way to conduct themselves in time of fire.

These men, H.F.J. Porter, an industrial engineer, with offices at 1 Madison Avenue, and P.J. McKeon, a fire prevention expert, who is now delivering lectures at Columbia University, are both familiar with the building which was destroyed and had advised the owners of the factory to establish some kind of a fire drill among the girls and put in better emergency exits to enable them to get out of the building in case of fire. Mr. Porter said last night, when told of the fire by a Times reporter: "I don't need to go down there. I know just what happened."

Two years ago Mr. McKeon made an insurance inspection of the factory, among others, and was immediately struck by the way in which the large number of girls were crowded together in the top of the building. He said last night that at that time there were no less than a thousand girls on the three upper floors.

"I inquired if there was a fire drill among the girls, and was told there was not," said he. "The place looked dangerous to me. There was a fire escape on the

back and all that, and the regulations seemed to be complied with all right, but I could see that there would be a serious panic if the girls were not instructed how to handle themselves in case of a fire.

"I even found that the door to the main stairway was usually kept locked. I was told that this was done because it was so difficult to keep track of so many girls. They would run back and forth between the floors, and even out of the building the manager told me.

"It is a wonder that these things are not happening in the city every day," said he. "There are only two or three factories in the city where fire drills are in use, and in some of them where I have installed the system myself the owners have discontinued it.

"One instance I recall in point where the system has been discontinued despite the fact that the Treasurer for the company, through whose active co-operation it was originally installed, was himself burned to death with several members of his family in his country residence, and notwithstanding that the present President of the company, while at the opera, nearly lost his children and servants in a fire which recently swept through his apartments and burned off the two upper floors of a building which was and still is advertised as the most fireproof and expensively equipped structure of its character in the city.

"The neglect of factory owners of the safety of their employees is absolutely criminal. One man whom I advised to install a fire drill replied to me, 'Let em burn up. They're a lot of cattle anyway.'

"The factory may be fitted with all the most modern firefighting apparatus and there may be a well-organized fire brigade, but there is absolutely no attempt made, to teach the employees how to handle themselves in case of a fire. This is particularly necessary in case of young women and girls who always go into panic."

# Kate Alterman's Description of the Triangle Fire

*Note:* This extract from the trial testimony of Kate Alterman, a worker who survived the fire, comes from the transcript of one of the most famous cross-examinations in legal history. Max Steuer, the attorney for the defendant owners of the Triangle company, sought to show that Kate Alterman had been coached to tell her story in the most dramatic and horrifying manner possible. Although Steuer succeeded in winning the case for his clients, Kate Alterman's story still effectively evokes the terror and despair experienced by the Triangle workers:

> I went out from the dressing room, went to the Waverly side windows to look for fire escapes, I didn't find any. Margaret Schwartz was with me, afterwards she disappeared. I turned away to get to Greene Street side, but she disappeared, she disappeared from me. I went into the toilet room, I went out from the toilet rooms, bent my face over the sink, and then I went to the Washington side to the elevators, but there was a big crowd, and I saw a crowd around the door, trying to open the door; there I saw Bernstein, the manager's brother, trying to open the door but he couldn't; he left; and Margaret was there, too, and she tried to open the door and she could not. I pushed her on a side. I tried to open the door, and I could not, and then she pushed me on the side, and she said, "I will open the door," and she tried to open the door, and then the big smoke came and Margaret Schwartz I saw bending down on her knees, her hair was loose and her dress was on the floor a little far from her, and then she screamed at the top of her voice, "Open the door! Fire! I am lost! My God, I am lost, there is fire!" And I went away from Margaret. I left, stood in the middle of the room. That is, I went in the dressing room, first, there was a big crowd, I went out of the dressing room, went into the middle of the room between the machines and examining tables, and then I went in; I saw Bernstein, the manager's brother, throwing around the windows, putting his head from the window—he wanted to jump, I suppose, but he was afraid—he drawed himself back, and then I saw the flames cover him, and some other man on Greene Street, the flames covered him, too, and then I turned my coat on the wrong side and put it on my head with the fur to my face, the lining on the outside, and I got hold of a bunch of dresses and covered up the top of my head. I just got ready to go and somebody came and began to chase me back, pulled my dress back, and I kicked her with the foot and she disappeared. I tried to make my escape. I had a pocket book with me, and that pocketbook began to burn, I pressed it to my heart to extinguish the fire, and I made my escape right through the flames—the whole door was a flame, right to the roof.

*Source:* Leonard E. Davies, *Anatomy of Cross-Examination* (New York: Prentice Hall Law & Business, 1993), 389-390.

# Imperial Foods Company Reading

The following articles were reported by the Associated Press on September 5, 1991:

## *Toxic Smoke, Locked Doors Led to Chaos, Then Death*

By Fred Bayless
The Associated Press

*Hamlet N.C.* —When the screaming started, Carolyn Rainwater was "stripping tenders," pulling ribbons of white meat off chicken breasts for processing. When the screaming grew louder, she looked up and saw the smoke.

"It was the blackest smoke I had ever seen in my life," said the 50 year-old grandmother, one of the few workers to escape serious injury when deadly smoke from a flash fire raced through the Imperial Foods Co. plant Tuesday morning.

Twenty-five people were killed, 49 were injured.

The boundary of life and death was set by the billowing wall of toxic smoke. Those who worked in the front of the building were able to escape through a main entrance. Those in the back were trapped between the poisonous fumes and doors locked, employees say, to prevent pilferage.

The smoke created panic, then chaos. It chased some workers into room-size coolers where they froze. It smothered others as they groped, gasping in the dark for escape. Friends and co-workers died together in clumps on the factory floor.

"In a fire of this nature people congregate together out of fear," said Hamlet Fire Chief David Fuller. "That's where they died."

There were 90 workers in Tuesday's 7 a.m. shift at Imperial Foods, a 30,000 square-foot collection of separate adjoining structures surrounded by a red brick facade. Once an ice cream factory, Imperial Foods now produces nuggets and other chicken products for Shoney's, Wendy's, and other fast food restaurants.

Workers and fire officials say the plant was a maze of large rooms separated by moveable walls. Workers and their product moved through the plant, from front to the rear, as the chicken was cut, cleaned, cooked and packaged, then finally frozen.

Doors in the rear of the plant were locked, workers said. Employees say the management had complained someone was stealing chicken. Some workers were troubled by locked doors, but with jobs, even those paying $5.50 an hour, a commodity in this small community, no one mentioned their fears.

"People didn't raise them because they were afraid they might lose their jobs," said Elaine Griffin, a worker who escaped out the front door.

Sometime after 8 a.m., a hydraulic line ruptured spewing cooking oil into flames heating a 26 foot-long fat fryer in the middle of the plant.

Fuller said soaring flames ignited insulating material in the roof, adding more toxic fumes to the oil smoke.

The smoke spread quickly, blocking the way to the front exit. Fuller said one survivor told him he was engulfed by the smoke as he ran full speed to the rear of the plant.

Rainwater found herself a member of a panicked mob running to a back door as the lights went out.

Rainwater ran to a loading dock blocked by a tractor-trailer; she and two others went into the trailer and started pounding on the walls. Before someone finally moved the truck, others in the crowd panicked.

Fuller said several employees sought sanctuary behind the heavy metal doors of two huge flash freezers on both sides of the plant. Dressed for the warm Carolina summer day, they quickly froze in temperatures as low as minus 28 degrees.

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## *Fire Probe Begins at Chicken Plant*

By Paul Nowell
The Associated Press

*Hamlet, N.C.*—Most of the 25 victims of a chicken processing plant fire died of smoke inhalation, the mayor said yesterday as authorities tried to determine how many exits were locked.

Most of the victims of Tuesday's blaze were single parents, officials said.

Would-be rescuers and survivors told of locked or blocked fire exit doors. A padlock was seen on a door with a sign saying 'Fire Door Do Not Block.'

But Mayor Abbie Covington refused to confirm the reports of locked doors at the Imperial Food Products plant. State Labor Commissioner John Brooks, who arrived yesterday to lead a state investigation, said it could be two months before his department could issue a report on any violations it might uncover.

"I don't have any evidence of doors being locked," Covington said. "If we determine that doors were locked, I'm sure there will be some sense of outrage, but I'm not in a position to reach that conclusion. To be angry at somebody won't do any good at this point."

Firefighters were being questioned "to find out exactly what they found when they got to the building" Covington said.

If doors were locked while people were in the building, violators could be subject to fines and, because deaths were involved, possible criminal prosecution, Brooks said.

He said it would be up to the local prosecutor to decided if other charges, possibly including manslaughter, might be filed.

The fire—the state's worst industrial accident—erupted when a hydraulic line ruptured near a 26 foot-long deep-fat fryer and the spilled fluid caught fire, said Charles Dunn, deputy director of the State Bureau of Investigation.

There was no sprinkler system at the plant. A fire extinguisher was installed above the fryer after a 1983 non-fatal blaze, Fuller said. The extinguisher was supposed to go off automatically, but Fuller said he didn't know if it worked Tuesday.

## Background for Activity B

The "Declaration of Dependence by the Children of America in Mines and Factories and Workshops Assembled," by Alexander J. McKelway, is a summation of the case against child labor. Private groups such as the National Child Labor Committee were pushing hard to regulate child labor.

## Activity B

Students will analyze and evaluate the Declaration of Dependence.

## Directions

1. Introduce students to the various persons and groups who were involved in the child labor movement of this period as described in the corresponding essay.

2. Provide students with a copy of "Declaration of Dependence by the Children of America in Mines and Factories and Workshops Assembled."

3. Review with students the strategies for analyzing a document. First have students quickly read the document to get a general idea of what it is about. Next, students should read the document defining words and phrases not understood. The third reading of the document is for meaning.

4. The teacher should explain the format followed in the document. Like many political declarations, including the Declaration of Independence of 1776, this document contains three parts:

*Preamble:* The first "whereas" statement is a statement of principle.

*Grievances:* The second "whereas" statement sets forth the conditions of bondage as grievances.

*Resolves:* The third part, following the connecting phrase "therefore be it resolved," sets out the proposed actions for which support is sought.

5. Students should highlight or underline the different parts. They should also define the words "resolves" and "dependence."

6. Have students read the Declaration of Independence of 1776. They should identify and compare the parts which contain the corresponding preamble, grievances, and proposed actions. Discuss what is similar and different about the two documents.

7. This can provide an opportunity for students to learn about the purpose and style of resolutions. They can then use reference books to learn how resolutions are written.

8. Divide the class into groups. Distribute the worksheet, "Declaration of Dependence by the Children of America in Mines and Factories and Workshops Assembled." Have students answer the questions based on the document and class discussion. Their answers can be discussed or graded.

## Additional Questions for Discussion:

- What groups are in favor of strictly limiting child labor in today's world and why?
- Who would be opposed to such limits and why?
- What **rights** for children would you advocate for today?
- What **suggestions** would you make for regulation of child labor today?

# Declaration of Dependence by the Children of America in Mines and Factories and Workshops Assembled

WHEREAS, We, Children of America, are declared to have been free and equal, and

WHEREAS, We are yet in bondage in this land of the free; are forced to toil the long day or the long night, with no control over the conditions of labor, as to health or safety or hours or wages, and with no right to the rewards of our service, therefore be it

RESOLVED, I — That childhood is endowed with certain inherent and inalienable rights, among which are freedom from toil for daily bread; the right to play and to dream; the right to the normal sleep of the night season; the right to an education, that we may have equality of opportunity for developing all that there is in us of mind and heart.

RESOLVED, II — That we declare ourselves to be helpless and dependent; that we are and of right ought to be dependent, and that we hereby present the appeal of our helplessness that we may be protected in the enjoyment of the rights of childhood.

RESOLVED, III — That we demand the restoration of our rights by the abolition of child labor in America.

Alexander J. McKelway, 1913

*Source:* Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 7.

# Declaration of Dependence by the Children of America in Mines and Factories and Workshops Assembled

Answer the following questions in the space provided.

1. a. Who is the author of this document?

   b. He belonged to which group?

   c. What was the group's stand on the child labor issue?

2. a. For whom did he write this document?

   b. Why did they not write it themselves?

3. Identify the principle stated.

4. a. List or circle on the declaration the grievances stated.

   b. Were these grievances accurate for 1913? Why?

5. a. List or underline the rights stated.

   b. Do you believe children of 1913 were entitled to these rights and why?

6. a. In 1913 who favored regulation of child labor?

   b. Who did not?

7. Based upon what you have learned about child labor up to this time period, should child labor have been abolished in 1913? Why?

# Background for Activity C

In the early 1900s the child labor debate was waged in newspapers and magazines. Reformers used political cartoons to advocate their views on child labor.

## Activity C

Students will use a three-step strategy to analyze two political cartoons against child labor and create their own cartoon concerning child labor.

## Directions

1. The teacher should explain to students that political cartoons have enabled Americans to express their views of government throughout the history of the United States. All political cartoons have a *subject* (S), *symbols* (S) , and *opinion* (O). We call this our three step **$S_2O$** formula or strategy.

2. Students can learn to analyze any political cartoon using the **$S_2O$** strategy. Students can practice the technique on cartoons found in newspapers or magazines. Tell students that people may interpret a cartoon differently.

3. Present the accompanying political cartoons. Explain that these originally appeared in the early 1900s. Have students use the **$S_2O$** strategy to analyze these cartoons.

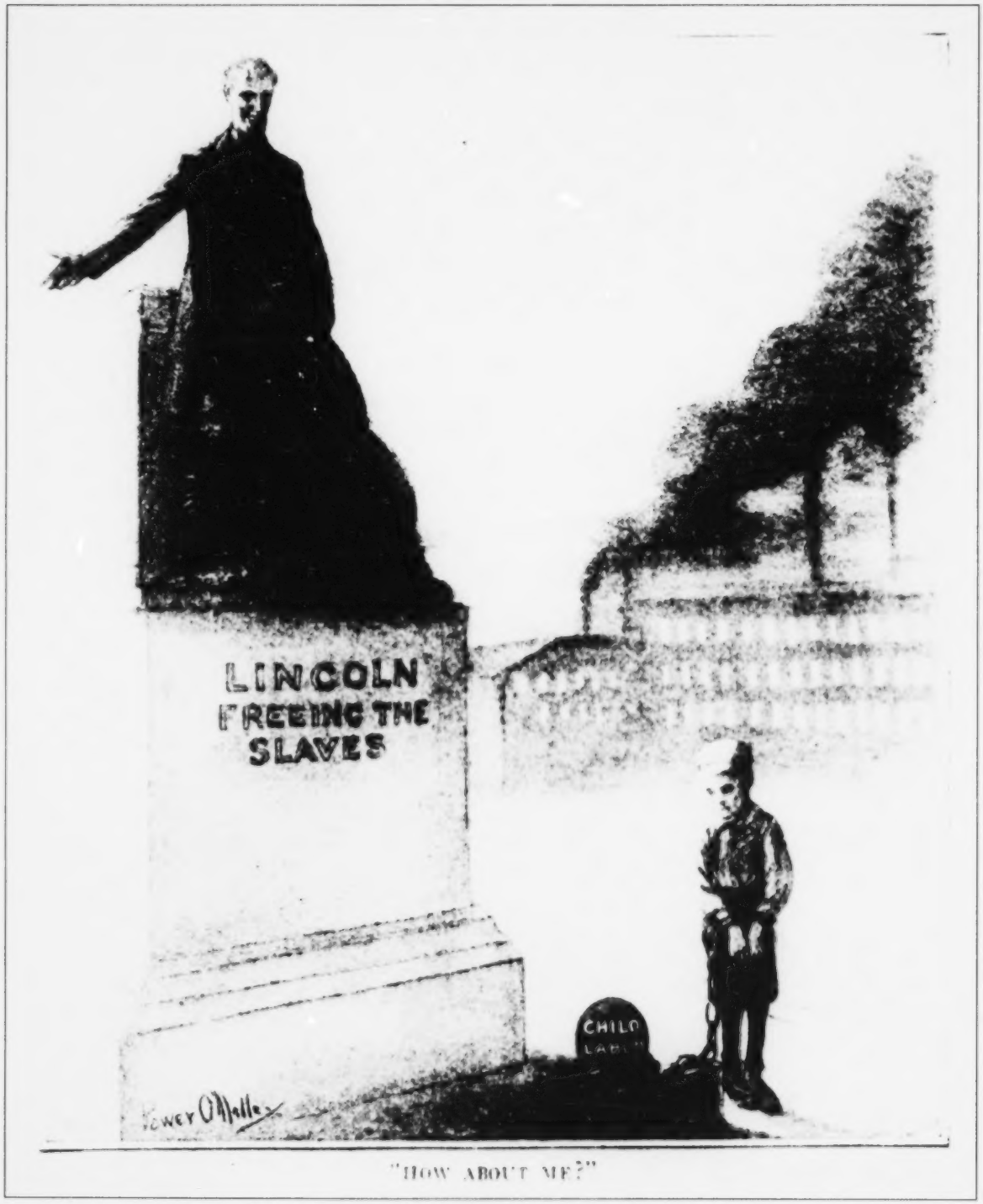
4. Suggested answers for the Lincoln cartoon are: S- child labor; S-ball and chains, handcuffs, Lincoln statue; O-child laborers are less free than slaves. They are still "in chains." Suggested answers for the chariot cartoon are: S-child labor; S-chariot, cigar, top hat, $ signs, boys are slumped over with eyes closed; O-Some people are exploiting child labor for money and power.

5. Have students create their own political cartoon about child labor. It can deal with the history of child labor in New York State or a current child labor issue. Have students submit an **$S_2O$** analysis of their cartoon along with the cartoon itself.

## Vocabulary

reform
regulate
lobbying
organized labor
repealed
incorporated
retail stores
street trades
compulsory education laws
workmen's compensation statutes
sweatshop
enacted
tenement homework
exempted
Progressivism
jurisdiction
interstate commerce
delegations
dissenter
amendment
propaganda

# Child Labor Cartoons

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# Child Labor Cartoons

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# Chapter 3: The "High-Water Mark" of Child Labor Reform 1933–1960

The years from 1933 through the 1960s comprise the "high-water mark" of child labor reform. Beginning in 1933, the federal government began to catch up with New York and other states that had established the leading edge of child labor reform, and New York continued to extend its statutory regulations of child labor and its enforcement mechanisms.

The Great Depression, which began with the stock market crash of 1929, shocked many Americans, who soon abandoned their complacent views about the conditions of American labor, including child labor. But, just as powerfully, the Depression thrust millions of Americans into poverty and forced many children back into the nation's factories and workplaces. Those who worked side-by-side with children, and those who began their working career as children, recalled this pressure of economic necessity. Some New Deal projects, such as Works Progress Administration (WPA) interviews, began to capture first-person accounts of what child labor was like and what thinking prompted children to become workers. For example, Louis Pare, a former mill foreman in Manchester, New Hampshire, explained to a WPA interviewer his thinking on child labor:

> *I liked the people who were with me in the mills and I sympathized with them. I helped them as anybody else would have done in my place. Didn't I, when I was a boss, hide some who weren't quite sixteen, when inspectors visited the mills? If boys and girls were big and strong enough to work, even if they were a little under the legal age, I gave them a chance to keep their jobs. I started working in the Lowell mills when I was only eight years old, and I could understand. Their parents were poor and needed every cent they could get. So I'd tell these younger workers to keep out of sight until the inspector had gone away. There was no harm to anybody in that, and it did a lot of good. Besides, the law wasn't so strict in those days.* [1]

Similarly, a miner named Fred Harrison recalled his experiences of child labor in another WPA interview, noting how many children who worked in the mines began by accompanying their fathers into the mines:

> *I began in the drift mine when I was twelve. According to law, you must be sixteen before you start, but there's also a provision that a miner can take his son in to work with him. Of course, he can't do as much as a man, but he can pick up chunks and put them in a car being loaded, and he can fetch prop-caps when his old man is putting in a narrow cutting. . . .*

Harrison remembered that, as a child working in the mines, he had to put up with occasional taunts and jokes from veteran miners:

> *Some of the waste material is thrown into the places just mined out, and this part of the mine is known as the "gob." Miners throw scraps from their lunches into the gob and the place is always overrun by rats that fight and squeal in the dark. When I first went into the mine I was terrified at the thought of the rats, and so were other boys beginning in the mines. One of the standard threats of veterans to green boys is: "Look alive, or I'll throw you into the gob with the rats."* [2]

Harrison also recalled that the boys working in the mines developed their own rituals, almost amounting to a miniature workers' culture, and that a key part of this child-workers' culture was the induction of new workers through hazing rituals:

> *The first day a new boy is in the mine, the other lads who have been working awhile put him through a hazing ordeal. His pants are taken down and coal dust smeared on his body. If it's an old-fashioned place where the lard-oil lamps are used instead of carbide, a*

> *little lard oil is used to make the coal dust stick better. Spanking with a shovel or a pick handle ordinarily forms part of the initiation, too.* [3]

Again, as in the previous era, the struggle for child labor reform in the period 1933-1960 proceeded on both federal and state levels—though in these decades federal and state efforts moved ahead with equal speed and strength and, more often than not, complemented each other. The balance of this essay chronicles these roughly parallel efforts.

## New York Builds on Previous Achievements

Throughout the 1930s, 1940s, and 1950s, under continued pressure by child labor reformers, New York lawmakers continued to revise the state's laws to expand protections for child workers and to harmonize the state's education laws with its labor laws. The state's reform efforts, however, continued to pursue the fragmented, subject-by-subject approach dictated by the state government's earlier piecemeal efforts, and still required the watchful supervision of such reformers as the New York Child Labor Committee (NYCLC).

### Factories

The pressures of the Great Depression, which induced factory operators to hire adults at the wages they used to pay to children, and of more comprehensive and effective federal and state regulation severely cut into the problem of children working in factories. Still, difficulties in this field persisted throughout the Depression. NYCLC investigators doubted official government figures as impossibly low, and tried to focus regulators' attention in particular on upstate factories.[4] Unfortunately, the pressures of the Second World War and the resulting shortage of adult workers led to a short-lived resurgence of child labor in factories, and to a state law permitting the State War Council to issue exemptions to individual manufacturers permitting employment of sixteen-year-old and seventeen-year-old boys even during hours when their employment was normally forbidden by law. To no avail did child labor advocates protest to Governor Thomas E. Dewey that the state had refused to adopt such a law during the First World War. Investigations conducted in Rochester reported that more than half of the city's high school students were working as well as attending school, some as many as seventy to eighty hours a week.[5] New York City's Mayor Fiorello H. LaGuardia protested:

> *I have a list here . . . of youngsters who are making $28, $30, $35, $40 a week. Yes, and what will they be doing later on? They will not have a good skilled trade, they will not have the educational background . . . they'll have no profession. They will go backward.* [6]

LaGuardia's predictions did not pan out, however, for the wartime experience represented an aberration, not the sign of a new trend. The Labor Department persisted in and extended its postwar inspections of factories, and the figures indicating employment of children in factories dropped correspondingly. Even so, the figures on school attendance and the dropout rate in the postwar era indicated that twenty percent of the state's children between the ages of fourteen and seventeen were either at work or seeking work.[7]

### School Attendance and Working Children

The evolution of the process for granting children working papers continued in the 1930s, under the watchful eye of reformers such as the NYCLC. New York City's system continued to set the standard for the rest of the state, and upstate systems continued to be inadequate, with cities such as Rochester and Albany abandoning physical examinations as a precondition for issuing working papers; during 1937-1938, state figures indicated, three-fourths of the cities failed to reject a single applicant for working papers on the grounds of health.[8] Instead, reformers focused on the need "to keep children in school rather than attempt to regulate them once they had gone to work."[9] The struggle to raise the mandatory age for children to stay in school focused, first, on fifteen years, and then on sixteen years. In 1933, Governor Lehman, supported by U.S. Senator Robert F. Wagner (formerly the co-chairman of the Factory Investigating Commission), began a campaign for a bill requiring all New York children to stay in school until the age of sixteen. Efforts to secure this bill, and a compromise fifteen-year version, failed in 1933, 1934, and 1935, largely due to the opposition of the Roman Catholic Church, which viewed the measure as an interference with parental rights. The short-lived National Recovery Administration

(NRA) federal minimum age of sixteen years, which lasted from 1934 until the Supreme Court invalidated the "blue eagle" (as described below), apparently had a lasting effect, persuading the people and politicians of New York to adopt a state law having the same effect. Finally, in April 1935 the state legislature enacted, and Governor Lehman proudly signed, the Feld-Breibart Law (also known as the Sixteen Year School-Leaving Law). The NYCLC regarded the measure as one of its greatest achievements, equal to its work in reducing child labor in the state's factories.[10]

## Commercial Establishments

Through the last decade of its existence, the NYCLC continued to find isolated instances of stores and delivery firms employing children below the minimum working age, and the New York State Labor Department's resources simply could not keep up with the vast number of commercial establishments throughout the state. Even in the 1950s, the Labor Department found about 3,500 cases per year of children illegally employed by commercial establishments.[11]

## Homework

In 1934, the Neustein-O'Brien law expanded state regulation of the practice known as homework (under which families brought materials home with them to assemble into finished goods). The new statute required any individuals conducting homework to secure licenses and permits from the state Labor Department—but representatives of homeworking industries successfully lobbied, over the objections of Labor Commissioner Elmer F. Andrew, for a statutory exemption for homeworkers in one-family and two-family homes in any community of fewer than 200,000 people, thus leaving homework in small towns and rural areas largely undisturbed. Andrew protested, to no avail:

> *[It is] conservative to say that the bulk of industrial homework in the State is carried on in 1-2 family dwellings . . . on articles forbidden to be made in tenements, especially on infant's and children's knotwear, crocheted garments and hand made dresses. This is true both in outlying sections of big cities and in small towns, hamlets and rural areas. The exploitation of these workers so far as rates of pay are concerned is unbelievably worse than among factory workers.* [12]

Under pressure by the NYCLC and Governor Herbert H. Lehman, the state legislature recognized that child labor and homework were more than urban problems; in 1935 it extended the power of the Labor Department to inspect commercial establishments in villages and towns, and repealed the homework exemption for communities under 200,000 people, thus making the homework regulations applicable throughout the state. Further statutory and regulatory changes indicated the state government's commitment to total prohibition of industrial and tenement homework, and its recognition that a total ban was the only answer to the problems posed by homework.[13]

## Street Trades

Such trades as bootblacking and shoe shining and newspaper vending continued to pose problems, even after the state legislature's efforts to strengthen the Street Trades Law. Often failures of information and communication lay behind lax or nonexistent enforcement; in Yonkers in the late 1920s, for example, the school system's refusal to enforce what most called the Newsboy Law prompted the NYCLC to broker a three-way system under which the city's police department would notify the school system of first-time violations and the Society for the Prevention of Cruelty to Children would prosecute parents for second and later violations, only to discover in the mid-1930s that this system too was a dismal failure. Only changes in the newspaper business, emphasizing home delivery to urban and suburban readers, managed to phase out the "newsboy" problem; in the 1950s the state established a newspaper carrier boy certificate for boys between twelve and eighteen, and granted over 45,000 certificates per year, and gradually imposed the requirement that newspapers had to cover these delivery boys under workmen's compensation statutes.[14]

## Agricultural Labor

At last, the state even turned its attention to perhaps the single most persistent form of child labor—agricultural labor, specifically migrant labor. In 1936, the State Committee on Summer Farm Labor Problems for the first time probed agricultural child labor; its report detailed often appalling reports of widespread employment of children as young as nine in harvesting produce on the state's farmlands. Six years later, in 1942, Governor Thomas E. Dewey named an Interdepartmental

Committee on Migrant Camps (which later reorganized as the Interdepartmental Committee on Farm and Food Processing Labor) to plan and coordinate state efforts to regulate migrant agricultural labor. Despite these efforts, in 1944, 1945, 1952, and 1959, the New York Consumers' League conducted repeated investigations of its own of agricultural child labor in the state, finding conditions virtually unchanged. Embarrassed by these findings, in 1948 the Labor Department undertook its own series of annual inspections of labor camps, and in 1952 the New York legislature founded a Joint Legislative Committee on Migrant Labor, which issued its first report a year later. After repeated public investigations and private exposés, the state's first legislation to deal with the topic, the Van Lare-Waters Act (1954), turned out to be a disappointingly mild bill; the measure only required farm labor contractors to register with the Labor Department and empowered the Labor Commissioner to revoke registrations once it had been determined that a contractor violated the law. That same year, the legislature also authorized the Health Department to set standards for migrant camps occupied by ten or more persons. And yet, in 1960, the legislature enacted a law permitting twelve-year-old and thirteen-year-old children to harvest berries, fruits, and vegetables for up to four hours a day, between 9 a.m. and 4 p.m.[15]

## Federal Efforts Finally Bear Fruit

In 1933, the inauguration of President Franklin D. Roosevelt (who from 1929 until his election in 1932 had been governor of New York) heralded a new, vigorous set of federal responses to the Great Depression.[16] Roosevelt and his allies continued to appeal for the adoption of the proposed child labor amendment to the Constitution, though with no real success.[17]

The first important New Deal measure from the perspective of child labor reform was the National Industrial Recovery Act (NIRA), which created the National Recovery Administration, also known as the NRA or the "blue eagle" from its symbol. Child labor became a major target of the "blue eagle."[18] The NIRA prohibited tenement homework in all industries engaged in interstate commerce—though, as the premier historian of child labor reform in New York has pointed out, its exact impact is difficult to gauge and probably was more symbolic than real.[19] In 1934, the NRA's industry-wide codes virtually established a minimum age of sixteen years for any worker employed by New York industries engaged in interstate commerce. These measures complemented New York state laws such as the Neustein-O'Brien Law of 1934 (described above).

But the NRA codes often sowed confusion rather than improving working conditions and the state's homework inspectors actually welcomed *Schechter Poultry Corp. v. United States*,[20] the Supreme Court's 1935 decision striking down the NIRA.[21] Not until another Supreme Court decision—*National Labor Relations Board v. Jones & Laughlin Steel Corp.*[22]—upheld Robert F. Wagner's National Labor Relations Act did child labor reformers begin to think that a federal statute outlawing child labor might have a chance.

More than fifty bills were introduced in the 75th Congress (1937-1939), and congressional legislation-drafters (with the encouragement of President Roosevelt) created an omnibus bill, covering the issues of child labor, minimum wage, and maximum hours, which became law as the Fair Labor Standards Act of 1938 (FLSA). The new law "prohibited the shipment in interstate commerce of goods made wherever child labor had been employed within thirty days prior to shipment."[23] The measure defined child labor as the employment of children under sixteen, or of children under eighteen in occupations designated hazardous by the Federal Children's Bureau (which had been founded in 1912 after a four-year campaign that invoked the aid of Presidents Theodore Roosevelt and William Howard Taft[24]).[25]

Businesses that employed child labor promptly organized efforts to challenge the constitutionality of the FLSA, despite the indications of *Jones & Laughlin* that this tactic was doomed to defeat. On February 3, 1941, in *United States v. Darby Lumber Company*,[26] the Supreme Court unanimously overruled *Hammer v. Dagenhart* and recognized a broad congressional power to regulate interstate commerce, including banning from interstate commerce products made with child labor. *Darby* did not involve the specific issue of child labor; however, its result confirmed the validity of federal regulation of that subject. The defeat of the Child Labor Amendment thus became beside the point.

## The Reformers Think of Folding Their Tents

The successes of this period suggested to child labor reformers that their work was largely, if not entirely, complete. As a result, after abortive

discussions of merging with the National Child Labor Committee, on December 3, 1941, the New York Child Labor Committee voted to dissolve.[27] Jeremy Felt, the historian of the NYCLC, wrote in 1965:

> *However symbolic the New York laws, they did open a brighter world for some children. Even if child labor abuses were somewhat more subject to economic developments than to legislation, a great many children would have worked away their formative years if it had not been for the committee and its friends. The committee may have barred children from work only to have them buffeted by some other ill-conceived feature of their environment, but that does not alter the fact of its contribution. They achieved what it was possible to achieve on the state level for the working children of New York and no greater tribute could be given them. If their history has any value, more should be possible today.* [28]

The National Child Labor Committee persists to this day, even though in the late 1950s the committee considered changing its name; ultimately, it retained the former name, but mainly because of statutory reasons having to do with the committee's tax-exempt status, doing business for years as the National Committee on Employment of Youth and the National Committee on the Education of Migrant Children.[29] As historian Walter Trattner wrote in 1970:

> *When the fifty-year-old National Child Labor Committee began changing its focus, its original objectives had been nearly achieved. Problems certainly remained, but child labor had been dramatically reduced and, in fact, if defined by 1904 standards, largely eliminated. . . .*
>
> *The crusade against child labor in the first half of the twentieth century illustrated the gropings of American democracy; peaceful reform was possible, but slow. Hopefully, constructive change will come more rapidly during the second half of the century, including the alleviation of poverty and elimination of the remnants of child labor. Until then, however, it is comforting to recall that reformers usually do not have to repeat themselves. . . .* [30]

The future would test whether the National Child Labor Committee's optimism was justified.

## Endnotes

1. Interview of Louis Pare by Philippe Lemay, Manchester, NH, no date, in Ann Banks, ed., *First-Person America* (New York: Alfred A. Knopf, 1980), 42.
2. Fred Harrison, interview reprinted in Banks, ed., *First-Person America*, 82, 84.
3. Ibid., 84.
4. Felt, *Hostages of Fortune*, 93-94.
5. Ibid., 94-95.
6. Quoted in ibid., 95.
7. Ibid., 95.
8. Ibid., 116.
9. Ibid., 120.
10. See generally ibid., 115-127.
11. Felt, *Hostages of Fortune*, 138-140.
12. Quoted in Felt, *Hostages of Fortune*, 151. See discussion in *id.*, 151-152.
13. Ibid., 152.
14. Felt, *Hostages of Fortune*, 165-169.
15. Ibid., 169-194.
16. For standard accounts, see Arthur M. Schlesinger, Jr., *The Age of Roosevelt, II: The Coming of the New Deal, 1933-1934* (Boston: Houghton Mifflin, 1958); William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: Harper & Row, 1963), and Anthony Badger, *The New Deal* (London and New York: Longmans, 1989); for a history that suggests that Roosevelt's policies built on and extended those of his Republican predecessor rather than manifesting a dramatic break with the Hoover Administration, see Albert U. Romasco, *Hoover, Roosevelt, and the Great Depression* (New York: Oxford University Press, 1970).
17. Trattner, *Crusade for the Children*, 189-202.
18. Trattner, *Crusade for the Children*, 190-195.
19. Felt, *Hostages of Fortune*, 151; *contra*, Trattner, *Crusade for the Children*, 195.
20. 295 U. S. 495 (1935). The briefs and oral arguments are reprinted in Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* (Lanham, MD: University Publications of America, 1975), 28: 337-864.
21. Felt, *Hostages of Fortune*, 151.
22. 301 U. S. 1 (1937). The briefs and oral arguments are reprinted in Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States:*

*Constitutional Law* (Lanham, MD: University Publications of America, 1975), 33: 181-474.

23. Trattner, *Crusade for the Children*, 204.

24. Ibid., 96-98.

25. Due to the lobbying efforts of Senators and Representatives from farming states, the FLSA did not extend to the regulation of agriculture, and thus agricultural migrant labor.

26. 312 U. S. 100 (1941). The briefs and oral arguments are reprinted in Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* (Lanham, MD: University Publications of America, 1975), 37: 505-762.

27. Felt, *Hostages of Fortune*, 217-220.

28. Ibid., 224.

29. Trattner, *Crusade for the Children*, 228-229.

30. Ibid., 229, 233.

# Teaching Strategies for Chapter 3

## Background for Activity A

The Child Labor Amendment to the United States Constitution was originally proposed in 1924. The amendment passed in twenty-eight states, falling short of the thirty-six needed for adoption. President Franklin Delano Roosevelt and his supporters continued to appeal for the adoption of the proposed child labor amendment. Though the amendment was not passed, the federal Fair Labor Standards Act of 1938 made significant strides in the federal regulation of child labor. It is still in effect today.

## Activity A

Students will analyze and debate the benefits and drawbacks of the Child Labor Amendment.

## Directions

1. Provide students with the background for and the accompanying text of the Child Labor Amendment. Be sure to include positive and negative accounts of the amendment as given in the corresponding essay.

2. Have students complete the accompanying Child Labor Amendment worksheet.

3. Discuss answers as a class. The teacher should explain that advocates of the amendment wanted the amendment passed because the Constitution is the highest law in the land and would provide federal protection to children.

4. Hold a debate on the adoption of a child labor amendment.

5. After the debate, have students vote on whether a child labor amendment should be adopted today.

# Child Labor Amendment

Child Labor Amendment as proposed by Congress in May 1924:

> SECTION 1. *The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.*
>
> SECTION 2. *The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.*

Read the Child Labor Amendment, review your notes, and answer the questions below.

1. Describe how an amendment is passed.

2. What does Section 1 mean?

3. What does Section 2 mean?

4. Why did proponents of this amendment want an amendment to the Constitution?

5. How do you feel about a child labor amendment to the Constitution?

## Background for Activity B

Throughout the 1930s, 1940s, and 1950s, under continued pressure from child labor reformers, New York lawmakers continued to revise the state's laws to expand protections for child workers and to harmonize the state's education laws with its labor laws. The state's reform efforts, however, continued to pursue a fragmented, subject-by-subject approach dictated by the state government's earlier piecemeal efforts, and the state's efforts still required the watchful supervision of such reformers as the New York Child Labor Committee (NYCLC).

## Activity B

Students will identify the jobs performed by children in these workplaces: factories, commercial establishments, homework, street trades, and agricultural labor. They will explain difficulties in enforcing child labor laws. Students will create a collage depicting child labor in the above workplaces.

## Directions

1. The teacher should provide background from the chapter 3 essay. Most students should be able to read the section in Bernstein's essay, "New York Builds on Previous Achievements." Divide the class into base groups and assign each student one of the five workplaces listed on the accompanying Child Labor Reform Chart. Discuss the difficulties of enforcing the regulations in each area.

2. Distribute the chart and have students join the appropriate workplace group to complete that section of the handout. After groups have finished their section they should return to their base group, and each "expert" should share her/his notes. When students are in base groups and have completed Part I, they can answer the questions in Part II.

3. Have each student create a collage depicting the jobs performed in her/his assigned workplace. Students can display their collages in groupings according to base group membership. Choice of grading is up to the teacher.

4. Have students explain why there were no uniform child labor laws.

# Child Labor Reform Chart

I. Complete the following chart.

| Workplace | Jobs performed | Enforcement Difficulties |
|---|---|---|
| Factories | | |
| Commercial Establishments | | |
| Homework | | |
| Street Trades | | |
| Agricultural Labor | | |

II. Questions:

1. What part, if any, did school attendance play in the debate over children at work?

2. Using the information above, explain why it was difficult to enforce child labor laws.

III. Create a collage using pictures or drawings to illustrate the various types of jobs done by children in your assigned workplace. Include a key for the collage and a caption for the poster. Each student will do her/his own collage.

## Background for Activity C

The century from 1865 to 1960 is filled with numerous people, organizations, political battles, laws, and court cases which have a place in the fight against child labor abuse.

## Activity C

Students will create a History of Child Labor Hall of Fame List: 1865–1960 by each making a placard showing the importance of a person, law, etc. in the struggle against abuse of child laborers. Students will evaluate the hall of famers. Each student will then choose three s/he believes had the most impact on child labor reform. Students will justify their choices.

## Directions

1. Assign each student a person, organization, attempted amendment, law, or court case from the accompanying History of Child Labor Hall of Fame List. The teacher may use additional persons/topics found in the essays. Students will work independently on this project. As they will need to access the library, it is necessary to allow class time for research. Remind students to

- paraphrase the text from sources; do **not** copy word for word and
- cite each source for information obtained.

2. Using the accompanying worksheet, History of Child Labor Hall of Fame: 1865-1960, students will research information for their assigned topic. Have students review the entire sheet before they begin their research. The questions on the sheet will help to keep students focused and encourage them to use other pertinent information they find. They should be thinking about an idea for a visual that can be incorporated on their placard.

3. When students have completed their note taking, they should make several drafts of the text for the placard. They need to check the text for accuracy, grammar, etc. Peer editing can be encouraged. They also need to plan out the visual on scrap paper before they begin the final work. Visuals can be pictures, symbols, background, etc., but they must be pertinent to the subject.

4. Each placard should be 8" x 10" or 11" x 14" and be made from oaktag, poster board, or construction paper.

5. When completed, the placards should be displayed for the entire class to view. Students will read and evaluate the information on each person and topic. Each student should choose the three hall of famers that s/he feels had the most impact on child labor reform. They should write a short essay in which they justify their choices.

## Vocabulary

statutory regulations
New Deal
hazing
exemptions
child labor
child labor advocates
working papers
invalidated
commercial establishments
homework
statutory exemptions
prosecute
compensation
migrant labor
Great Depression
"blue eagle"
omnibus bill
alleviation

# History of Child Labor Hall of Fame List: 1865–1960

Children's Aid Society

Factory Act of 1886

New York State Bureau of Labor Statistics

New York Child Labor Committee

National Child Labor Committee

Factory Investigating Commission

Fair Labor Standards Act of 1938

Feld-Briebart Law

1903 Factory Law

Double Compensation Law 1903

1909 Voss Dangerous Trades Act

1903 Finch-Hill Factory Act

Workingman's Party

Samuel Gompers

Frances Perkins

Charles F. Peck

Florence Kelley

Lillian Wald

Elbridge Gerry

Robert F. Wagner

Federal Children's Bureau

*Hammer v. Dagenhart*

Child Labor Amendment

Charles Loring Brace

Franklin D. Roosevelt

Harmony Mills Cotton Works of Cohoes, New York

Jacob Riis

Lewis Hine

Charles Reznikoff

Mother Jones

# History of Child Labor Hall of Fame: 1865-1960

I. Using sources found in the library, you will answer the following questions concerning your assigned Hall of Fame person or topic. Write the answers in your notebook. However, take notes on any pertinent information you find. **Paraphrase your notes and cite your sources!** Your information will be used on a placard (or poster) which explains why your person or topic was so important in the struggle against child labor abuse.

Person/Topic_____

1. Of what importance was this person/topic in the struggle against child labor?

2. When did this take place?

3. Where did it take place?

4. What contribution was made whether it was lasting or not?

5. Was the person/topic successful in the struggle against child labor abuse? Why?

II. When you have finished note taking, write **six to ten** sentences explaining why this person/topic was important in the history of child labor. This will be the text for your placard. Write two drafts of the text before you write the final draft. Check your work for accuracy of information and grammar, spelling, etc.

III. Design a visual for your placard which represents or symbolizes your person/topic.

IV. Completed placards will be displayed in the classroom. Each student must analyze the information on the placards. Choose the three persons/topics you believe had the most impact on child labor issues. Take notes from the placards which justify your choices.

V. Write a short essay which explains why you have chosen these three persons/topics. Include two or three reasons to justify your choice for each person/topic.

# Chapter 4: The Resurgence of Child Labor 1960 to the Present

## Context: Defining the Place of Child Labor in Modern Life

In the past fifteen years, the issue of child labor has returned to national prominence. The issue is not whether children should ever work. Nor does anyone challenge the consensus that older children (aged fourteen to sixteen) benefit intellectually, psychologically, morally, and financially from work experience scaled to their age, capacity, and other responsibilities. To the contrary, now as throughout the history of the child labor question in America, the issue is one of deciding whether, when, how, and for what compensation children should work. As Jeffrey Newman, executive director of the National Child Labor Committee, told the *Christian Science Monitor* in 1986, "Work teaches kids a lot of things that are part of the ethics and values of our society. You learn about lots of people and you learn about yourself."[1] Working also teaches the child worker valuable lessons about working and the economy that can build a foundation for later life.[2] Advocates of child labor reform therefore urge that the law provide coherent, nuanced answers to this set of questions, keyed to children's growing intellectual and physical capacities, designed (i) to keep out of the workplace children too young to be there and (ii) to encourage those children who can assume the responsibilities of work to do so with responsibility and foresight.

In 1993, *U.S. News and World Report* captured the central dilemmas facing teenagers who want to work and their parents.[3] Parents find attractive the prospect that their teenagers might take part-time jobs for two reasons. First, "a teenager who holds down a job learns important lessons about responsibility and independence."[4] Second, working teenagers can pay for incidentals and luxuries themselves rather than having to ask their parents to do so and can help save for college and other family expenses, thereby relieving their parents' burdens. The economic importance of wage-earning teenagers to the American economy is enormous; as one 1988 study reported, teenagers had $31 billion in income derived from jobs, allowances, and other money from their parents, with the average teenager earning $61.50 per week.[5] The challenge facing parents of working teenagers is to help their children strike the best balance between work and schooling, so that neither activity injures the other.[6] The benefits that teenage workers reap from their jobs if they maintain that balance include financial independence and an increased sense of self-worth and responsibility. The risks that teenage workers face if they do not strike that balance include damaging their performance in school, cutting back on their educational ambition due to work pressures, and general burnout. Moreover, teenagers should not see so-called "fast-food jobs" as offering a proven route to advancement in the adult world of employment. Parents therefore need to help their teenagers see which jobs will offer what kinds of benefits, both in the short term and in the long run.[7]

Observers of child labor note that children often work because they have to; in particular, they work to help their parents make ends meet; indeed, parents often must make the difficult decision that their children must work to contribute to the family finances. These painful truths often exacerbate arguments about child labor.

Younger workers also enter the workforce because they meet the economy's needs. Beginning in the 1970s, repeated economic shocks have undermined Americans' settled expectations, subjected some sectors of the national economy (for example, the steel and automobile industries) to extraordinary strains, and induced rapid growth in other sectors (in particular, the service economy) that draw teenagers looking for part-time work.[8] Owners and operators of service-sector businesses are desperate to cut labor costs and to cope with what Bill Cross of the Oregon Restaurant Association described as "a terrible labor squeeze."[9] As the *Chicago Tribune* pointed out in a 1991 analysis of teen workers, many of the jobs created in the 1970s and '80s were in the service and retail fields. Most adults shun these so-called "secondary" jobs, characterized by low wages, irregular shifts, evening and weekend hours, minimal fringe benefits and few opportunities to advance to management.

> *Secondary jobs, on the other hand, often fit the needs of teenagers looking for after-school and weekend work. Because the great majority of teenagers are seeking immediate spending money rather than a start on a long-term career, the lack of chances for advancement makes little difference to them.*[10]

The *Tribune* also identified fast-food restaurants and other service employers as avid would-be employers of teen workers. But increasing numbers of restaurant owners and operators are coming to recognize, in the words of Steve Madigan, CEO of the Indianapolis-based Ultra-Steak Inc., that "We need to be good employers, to not interfere with kids' education. . . . This is a problem that isn't going away, and we have to find a solution."[11]

## The Issue Resurgent

In 1982, Thomas A. Coens, a Chicago labor attorney, proclaimed in an article for the *Labor Law Journal*, "Today, more than forty-four years after the enactment of federal protection in the Fair Labor Standards Act, [the] conditions [that prompted the enactment of child labor laws] have largely disappeared."[12] Coens titled his article, "Child Labor Laws: A Viable Legacy for the 1980s," giving voice to the satisfaction shared by reformers after four decades of successful legislative, administrative, and judicial efforts against the abuses of child labor.

Addressing the current state of child labor laws, Coens identified issues that those administering those laws ought to consider. His new issues included restrictions on agricultural labor, worker exposure to pesticides, the scope of federal enforcement, the nature and range of civil and criminal penalties that government could impose on employers, and proposed adjustments to the federal minimum wage. Yet another issue was the growing pressure by employers and economic theorists to make federal and state child labor laws and regulations more flexible; such changes, they maintained, would accommodate the desires and needs of teenagers to move more fully into the nation's labor force.[13] Sympathetic to the arguments of those advocating flexibility, Coens recognized that "[A]rguably, increased flexibility in child labor standards would benefit many teenagers who need to work."[14] But Coens's support for this goal had limits; he pointed out that more flexible laws and regulations would have only a "minimal[] impact"[15] on those older teens who experienced the greatest pressures to find work. Further, he urged that "in modifying the standards, the legislators and the administrative agencies should not compromise the traditional goals of child labor laws."[16] While warning that suggested revisions of the child labor laws and regulations should be viewed with caution, Coens closed his article with the happy prediction that "child labor laws should continue to meet the societal expectation of protecting children in the workplace."[17]

Coens's article was ironically timed—though he did not intend the irony. It appeared at the beginning of the period during which, many students of the child labor problem agree, the nation began a steady backslide to conditions approximating those when the Fair Labor Standards Act of 1938 became law. As Jeffrey Newman of the National Child Labor Committee told *The New York Times* in 1992, "I see the same kind of exploitation that occurred then, in sweatshops, in unscrupulous business practices that occur behind closed doors. It's very sad and it doesn't speak well to our understanding and commitment to children."[18]

Throughout the 1980s and well into the 1990s, virtually all Americans who read newspapers or magazines, listen to radio, or watch television have seen at least one major news report about the resurgence of child labor in America. The report may focus on rural migrant labor, suburban service jobs, or urban "sweatshop" work. This last setting is invariably tied to the immigrant experience, and its story usually begins the same way.

The time is now; the place is a loft factory somewhere in New York City, whether in Chinatown or midtown Manhattan or in the labyrinthine neighborhoods of Brooklyn or Queens. The scene is an airless room packed with too many people, who are operating sewing machines or folding and packing clothing. If it is summer, the room lacks air conditioning, fans, or other ventilation; the room's temperature ranges from one hundred to one hundred twenty degrees, justifying the designation "sweatshop." If it is winter, the room is unheated and the workers huddle in their coats, wreathed by the steam of their condensing breath. Whatever the season, the workplace usually lacks emergency exits or fire doors; even if those doors are present, they are usually blocked by machinery or by huge stacks of

heavy cartons. There is no exit if a fire breaks out, no escape through a door or a window. The conditions subsisting in these modern sweatshops offer eerie and terrifying parallels to the conditions that culminated in the notorious 1911 Triangle Shirtwaist Company factory fire.[19]

The story's central figure is a boy or girl, nearly always an illegal immigrant, sometimes Chinese and sometimes Latin American, usually between ten and fifteen years old (but claiming to be at least twice that age) though sometimes younger. In 1990, Bruce D. Butterfield of the *Boston Globe* published a prize-winning five-part investigative series on child labor; the children he introduced to his readers included ten-year-old Kem Shi, who sat huddled in a dirty third-floor loft factory on Division Street in Chinatown, and fourteen-year-old Maria Casarrubias, who labored next to her mother in a midtown Manhattan sweatshop.[20] Children like these work at least ten hours per day, side by side with adults—sometimes alone, sometimes with a parent or other relative—and expect and receive treatment no different from that given to their adult coworkers. As Butterfield reported, "an estimated 7,000 work daily in New York's garment industry. . ."[21]

Now, however, the child at the story's focus cowers in fright and despair—for inspectors from a government agency (the U.S. Department of Labor, the Immigration and Naturalization Service, or the New York State Department of Labor), representatives of the National Child Labor Committee, and journalists enter the room. This intrusion paralyzes the adult workers into self-protective silence; they hang their heads, standing mute as the inspectors and reporters ask quiet but insistent questions. Sometimes the child tries to make himself or herself invisible from the questions and the photographs; sometimes he or she scrambles to hide under a pile of cloth remnants or fellow workers' coats; sometimes he or she tries to make a run for it.

And this story usually ends the same way—the child refuses to cooperate with the investigators, frustrating attempts to enforce complaints against the employer. Even if the child were willing to cooperate, the employers are not on the premises and the investigators know that they have little chance of tracking them down. As the inspectors and the reporters leave, the child creeps back to his or her place and resumes work. Nothing has changed, the inspectors tell the reporters, and nothing is likely to change. The child they just saw, cringing in fear and whispering half-hearted explanations, is trapped in that nightmare. As Tom Glubiak, head of the New York State Apparel Industry Task Force, told a reporter for Cable Network News in late 1993, "It's basically a life where they are almost a piece of the machinery themselves. They lose their hopes and aspirations for the future."[22] In sum, illegal immigration has brought to American shores a labor force particularly vulnerable to exploitation by unscrupulous employers who use the immigration laws as a weapon of intimidation against desperate workers.

These sweatshops may seem distant and irrelevant to the lives of most Americans, but they make many of the clothes on our backs. Ironically, some manufacturers who affix the label "Made in the U.S.A." to the clothing they market never admit to themselves or to their customers that some American contractors still employ child labor in conditions that are not supposed to exist in the United States. Most Americans do not realize that clothing "made in the U.S.A." is competitively priced largely because of cheap labor. To illustrate the degree to which child and adult laborers are exploited in the manufacture of American clothes, *U.S. News & World Report* broke down the labor costs of a skirt that the national retailer, The Limited, sold for $54; the contractor received $4.25 for each skirt, $3.00 of which he paid to his workers:[23]

| Clothing Feature | Labor Cost Per Feature |
|---|---|
| Waistband with facing: | 72 cents |
| Hem, skirt: | 6 cents |
| Hem, lining: | 7 cents |
| Serging, skirt: | 14 cents |
| Serging, lining: | 4 cents |
| Cutting threads: | 5 cents |
| Belt loops (4): | 10 cents |
| Sewing belt loops on skirt (4): | 8 cents |
| Zipper: | 17 cents |
| Pressing: | 15 cents |
| Ironing loops: | 15 cents each |

There are other emblematic stories of child labor in America today besides the sweatshop stories that fill American newspapers and magazines. The setting also could be a fast-food restaurant anywhere in suburban America. The child

workers here are teenagers, and their employment is usually legal. But all too often they either work hours longer than those the law permits or assume duties (such as operating dangerous machinery or driving a delivery truck) that the law forbids younger workers to undertake. Dr. Philip Landrigan, director of environmental and occupational medicine at New York City's Mt. Sinai Hospital and co-author of a major 1993 study of work-related injuries suffered by New York children, noted, "The fast-food industry is the new sweat-shop."[24] In December 1992, the United States Department of Labor assessed a $500,000 fine—the single largest child labor penalty in history—against the national fast-food chain Burger King for letting fourteen-year-old and fifteen-year-old employees work hours past the nationally-mandated cutoff of 7 p.m. on school days.[25]

Sometimes the setting is a typical city or suburban street, where exploitative contractors hire children, some as young as seven years old, to sell candy door-to-door, often under the cover of pretended fund-raising for charity. Brandy Woodrow, a thirteen-year-old girl in Vallejo, California, described her work to two reporters from *Fortune* magazine:[26]

> *We used to sell every day. The van would pick me up at 3:30 and I'd work until 10 P.M. on weekdays and until midnight on weekends. The driver would have 20 kids in his van. We'd usually sit on the floor; there were no seat belts. First we'd sell in Vallejo, and then we went all over. One time we were in Livermore, 50 miles away, and the van broke down. I didn't get home until 3:30 in the morning. I sold the candy for $5 a box and kept $1 for myself. On a good night I could sell ten boxes. . . .*

Yet another practice that most Americans associate with the early days of the Industrial Revolution—industrial homework—has returned to the United States. In the early 1980s the Reagan administration agreed to relax government regulations against the practice. Some families struggling to make ends meet have taken on piecework or homework. In such settings, as in agricultural labor or the sweatshops of the American clothing industry, children help their parents or older siblings. They often work long hours, well into the night. As Jay Mazur, president of the International Ladies' Garment Workers Union, protested in 1989, "inspection [of homework] becomes impossible. There is no way of knowing how many hours are worked, how much is earned per hour, which members of the family are engaged in the labor, or children's degree of exposure to dangerous materials and machinery."[27]

Infrequently, though tragically, former child workers struggle to rebuild lives shattered by catastrophic work-related injury. The Mt. Sinai study of New York children injured on the job examined the 9,656 work-related injuries in New York State in the period 1980-1987 for which the state awarded workers' compensation; the types of injuries reported included amputations of arms or legs, gunshot wounds, concussions, broken bones, hernias and ruptures, and severe burning or scarring. The doctors concluded:

> *Each year, more than 1,200 adolescents are awarded compensation for work-related injury. Each year, an average of 525 adolescents suffer some degree of permanent disability. Each year, on average, four adolescents die of injuries sustained at work. Our data found an annual occupational injury award rate of 28.2 per 10,000 working adolescents in New York State.*[28]

Two examples give these statistics human immediacy. In 1991, "while climbing a 12-foot-high pile of boxes in a freezer—a prohibited area for minors—[Charles Kenney, a sixteen-year-old employee of a New York City ice-cream distributor] slipped, caught his ring on the edge of a shelf, and lost his finger."[29] The second example illustrates that, under child labor laws, the mere existence of risk of injury is sufficient cause for government action against employers: consider, for example, the most disturbing of the U.S. Labor Department's over one hundred charges settled in early 1994 against the Grand Union supermarket chain for violating the Fair Labor Standards Act—that Grand Union used children under eighteen to operate scrap-paper balers, a hazardous activity specifically prohibited by the federal statute.[30]

Sometimes the child worker is an agricultural worker; such cases are most often found in the Midwestern and Western United States but do turn up in New York State. Some are children of farmers who work to help their parents keep the family farm afloat. They may be following a venerable American agricultural tradition; as Bruce Butterfield wrote in the *Boston Globe*, in 1990,

"Battling to keep their land following a period of record farm foreclosures and stagnant grain prices, America's 1.2 million family farmers are relying increasingly on the labor of their children." But these children face an ever-present danger, for they operate or work near heavy machinery that can maim or kill them. Otto Petersen, a farmer in Corning, Iowa, whose twelve-year-old son Shaun lost his life when he was pulled into the blades of a sweep auger, said: "We've always done things as a family. It was either we all worked on the farm or we gave the farm up."[31] Other children, such as eight-year-old Guillermo Perez, are migrant workers who labor side-by-side with their parents and older siblings in the nation's vegetable and fruit fields, just as Edward R. Murrow found more than three decades ago in his 1961 documentary "CBS Reports: Harvest of Shame." Not only do these workers suffer injuries from the repetitive tasks of stooping and picking crops; they are regularly exposed to pesticides that inflict permanent damage on their health.[32]

Sometimes a child worker (in whatever line of work) has no obvious physical injury but suffers indirect, equally long-lasting harm. In these cases, the central figure is a teenager who has worked so many hours, by necessity or by short-term choice, that he or she has sacrificed education to a job, and has had to abandon dreams of the better life that successful high school and college education might have provided.[33] Teenagers, the *Boston Globe* declared in 1990, "are part of the nation's new suburban work force." Although some of these working teenagers are highly ambitious both for their education and their future business experience, Professor John Bishop of Cornell University's economics department observed, "The kids who choose as teenagers to work typically are more likely to be kids who dislike school and are doing poorly in school. They see work as an alternative, an environment they prefer to the environment at school in which they are failing."[34] Concerned about the dangers of teenagers emphasizing after-school jobs over their education, Representative Don Pease (Democrat-Ohio) declared, "We need to keep our focus on the fact that the No. 1 job of teenagers is to learn as much as they can, . . . and any other job that interferes with that must take second place."[35] As noted above, educators and parents now face the challenge of persuading the nation's working children that their education, not part-time employment, is their principal responsibility.[36]

Sometimes the central figure is a grieving parent, mourning a child killed while on the job. Jeris Petersen, Shaun's mother, told the *Boston Globe*: "Now, I'm scared to have any of my children do anything. I'm scared all the time. My aunt was killed on a farm, my dad lost a thumb. Otto has been caught in the power train of a tractor and his hand was ripped open on the harvester. But losing a son is different. I didn't know children could be killed like Shaun was killed."[37]

## Devising Coherent Policy

New York continues to keep its laws in pace with evolving labor conditions; a June 1993 pamphlet summarizing these measures runs to forty-two closely-printed pages.[38] New York law is at least as stringent as federal child labor laws, and often more so—reflecting New York's continuing history as a leading jurisdiction in responding to the issues of child labor. Recent developments evince the state's continuing effort to define the cutting edge of child labor policy in partnership with the federal government and private employers. For example, in 1991 the New York legislature enacted a sweeping set of child labor reforms in two broad categories—younger children (aged fourteen to fifteen) and older children (aged sixteen to seventeen). Each set of reforms was designed to adapt New York law to changing employment conditions:

- The 1991 statute tightened New York's legal requirements governing the employment of younger children, using the stricter federal laws and regulations as a standard; these children may not work more than three hours on any school day, more than eight hours on any day when school is not in session, more than eighteen hours a week, more than six days a week, or after 7 p.m. or before 7 a.m.[39]

- The 1991 statute also revised work opportunities available to older children. When school is in session, they may not work more than four hours on any day preceding a school day (other than a Sunday or holiday) with exceptions permitting up to six hours of work for students enrolled in cooperative work experience programs. They may work up to eight hours on a Friday, Saturday,

Sunday, or holiday. They may not work more than twenty-eight hours per week, more than six days per week, after 10 p.m. at night, or before 6 a.m. When school is not in session, or if the children in question are not enrolled in school, older children may work up to eight hours per day to a maximum of forty-eight hours per week, up to six days per week, but not after midnight or before 6 a.m.[40]

- The 1991 statute also provided closer monitoring of the relationship between these children's working and school lives. Older children now can work later than the law formerly allowed—up to midnight on any day preceding a school day or any non-school day—if they obtain written parental permission and if their performance in school is certified to be sufficiently good to justify the change. This reform is extremely important because it is the first state legislation that ties teenagers' work to their school performance. As a result, these provisions have become models for state child-labor statutes throughout the nation.[41]

As the earlier essays have shown, previous efforts in New York to respond to the issues posed by child labor have been valuable but incremental and piecemeal. Some laws seek to regulate working conditions, others to provide remedies for injuries, still others to establish the proper relationships between education and work. In the 1990s, the state emphasized the importance of a healthy relationship between school and work; and New York governmental officials, labor and business leaders, and academics pooled their efforts to produce a coherent and comprehensive policy known as the "School-to-Work Opportunities System."[42]

At the heart of the School-to-Work Opportunities System is the idea that the relationship between school and work must be a two-way learning process for students, on the one hand, and teachers and employers, on the other hand. Students need to understand that, as a 1989 report by the New York State Department of Labor put it, "[g]oing to school is a child's most important job." Teachers and employers must find ways to implement "contextualized learning strategies" in which quality work experience can enhance learning.[43] This program aims to construct a comprehensive system that responds to the needs of the three large categories of the state's schoolchildren: those who want to or have to join the full-time work force rather than pursue their educational opportunities; those who want to or have to combine education with part-time work, and those who want to earn disposable income through part-time or summer employment while they pursue their education. In responding to the needs of these different groups, the system must devise ways to meet their educational needs, help them acquire the requisite knowledge and vocational skills, and protect their rights as part-time workers.

The School-to-Work Opportunities System seeks to prepare all students to function effectively in a rapidly changing work place that requires new, more demanding standards for employability—specifically, academic and occupational knowledge and skills. To make this system work, educators and their partners in government, business, labor, and reform organizations face the challenge of creating high-quality work-based learning experiences that will educate students without exploiting them, and that will expand students' understandings of work beyond the mere opportunity to earn money.

## Conclusion: Coming to Grips with the Child Labor Issue

The extensive coverage of such abuses of child workers by the news media has spurred responses by politicians, governmental officials, labor unions, business leaders, and public-interest groups such as the National Child Labor Committee. Federal, state, and local authorities continue to pursue various remedies to these problems—both through enforcing existing laws and regulations and revising those laws and regulations to adapt them to changing conditions. They establish regulations defining and limiting conditions under which children may work—maximum hours (both per day and per week), minimum wages, and other conditions of labor. They also conduct inspections of employers who hire children or teenage workers to determine whether and to what extent employers observe—or violate—the rules.

Most Americans consider the stories recounted above to be throwbacks to their grandparents' day—scenarios supposedly made obsolete, as

Coens's 1982 article maintained, by enlightened laws, vigorous trade unions, responsible employers, and a dramatic sea change in American society's understanding of what we want our children's lives to be. They would be wrong. Consider the national statistics for 1990, as extrapolated by the National Safe Workplace Institute from the 1990 U.S. Census and the work of the U.S. General Accounting Office:[44]

| Age | National Population | National Working Population | Percentage |
|---|---|---|---|
| 12-13 | 6,762,450 | 672,245 | 10 |
| 14 | 3,243,107 | 486,466 | 15 |
| 15 | 3,321,609 | 930,050 | 28 |
| 16 | 3,304,890 | 1,685,494 | 51 |
| 17 | 3,410,062 | 1,739,132 | 51 |
| Total | 20,042,118 | 5,513,387 | 28 |

But the issue of child labor has become more intricate since the reforms of the first half of the century, bringing within its scope a host of issues such as: health and safety, the role of young workers in the economy, the relation of work to the young person's social development, and the relationship of child labor to education. As a result, responding to the modern challenges posed by child labor in America has become correspondingly more complex.

## Endnotes

1. Marilyn Gardner, "Teens and Jobs: Bad for Each Other?" *Christian Science Monitor*, November 17, 1986.

2. Alan Deutschman (with Mark D. Fefer), "Why Kids Should Learn about Work," *Fortune*, August 10, 1992, at 86ff.

3. Amy Saltzman, "News You Can Use: 'Mom, Dad, I Want a Job,'" *U. S. News and World Report*, May 17, 1993, at 68ff.

4. Ibid.

5. Jill Lawrence, "Part-Time Jobs Often Pay for Luxuries, Interfere with School Work; Teen-Age Earning and Learning Don't Always Mix, Educators Discover," *Los Angeles Times*, July 30, 1989.

6. Parents of teenagers who want to work also can and should monitor the conditions under which their children will work, working with employers to define the limits of the job for the mutual benefit of the teen worker and his or her employer.

7. See generally Ellen Greenberger and Laurence Steinberg, *When Teenagers Work: The Psychological and Social Costs of Adolescent Employment* (New York: Basic Books, 1986); Marilyn Gardner, "Teens and Jobs: Bad for Each Other?" *Christian Science Monitor*, November 17, 1986.

8. Froma Joselow, "Why Business Turns to Teen-Agers," *The New York Times*, March 26, 1989, Section 3, at 1.

9. Beth Lorenzini and Susie Stephenson, "Teen Labor: Worth the Risk?" *Restaurants and Institutions*, February 12, 1992, at 67ff.; Kevin Farrell, "The Children's Hour: With More Stringent Enforcement of Child Labor Laws, Operators Need to Be More Careful about Work Schedules," *Restaurant Business Magazine*, November 1, 1990, at 80ff.; "Labor Crunch Spurs Violations," *Newsday*, January 18, 1988, at 3.

10. Richard L. Worsnop, "Experts Argue Value of Teens Taking Jobs," *Chicago Tribune*, June 30, 1991.

11. Quoted in Kevin Farrell, "The Children's Hour: With More Stringent Enforcement of Child Labor Laws, Operators Need to Be More Careful about Work Schedules," *Restaurant Business Magazine*, November 1, 1990, at 80ff.

12. Thomas A. Coens, "Child Labor Laws: A Viable Legacy for the 1980s," *Labor Law Journal* 33 (1982): 668-683 (quote at 668, citations omitted).

13. See Michael E. Borus, et al., *Pathways to the Future: A Longitudinal Study of YoungAmericans* (Center for Human Resources Research, Ohio State University, 1980), cited and discussed in Coens, "Child Labor Laws," 682-683 & nn. 87-89, 92.

14. Coens, "Child Labor Laws," 682.

15. Ibid., 683, citing U. S. Bureau of Labor Statistics, *Profile of the Teenage Worker* (1980).

16. Coens, "Child Labor Laws," 683.

17. Ibid., 683.

18. Gina Kolata, "More Children Are Employed, Often Perilously," *The New York Times*, June 21, 1992.

19. Susan Headden, "U. S. News Investigative Report: Made in the U. S. A.," *U. S. News & World Report*, November 22, 1993. Compare the conditions reported in Leon Stein, *The Triangle Fire* (Philadelphia: J. B. Lippincott, 1962).

20. Bruce D. Butterfield, "Children at Work, I: The Tragedy of Child Labor," *Boston Globe*, 22 April 1990.

21. Ibid.

22. "True Stories: Blood, Sweat, and Fear—Part 3," CNN Specials, December 5, 1993, Transcript #250-3.

23. Headden, "U. S. News Investigative Report: Made in the U. S. A. " This study did not provide figures for these workers' hourly wages, nor can we compute hourly wages based on the data presented.

24. Leslie Papp, "Teen Workers Hit by Hot-Oil Burns . . .," *Toronto Star*, November 28, 1993. The study is Renate Belville, Susan H. Pollack, H. James Godbold, and Philip J. Landrigan, "Occupational injuries among working adolescents in New York State," *JAMA: Journal of the American Medical Association* 269 (2 June 1993): 2754ff.

25. Brian Dumaine with Rahul Jacob, "Illegal Child Labor Comes Back," *Fortune*, April 5, 1993; Frank Swoboda, "Burger King Accused of Child Labor-Law Abuse," *Washington Post*, March 9, 1990.

26. Ibid. For another account of this practice, see Peter T. Kilborn, "Playing Games with Labor Laws: When Work Fills a Child's Hours," *The New York Times*, December 10, 1989.

27. Jay Mazur, "About Work: Families That Slave Together," *New York Newsday*, January 31, 1989.

28. Belville, et al., "Occupational Injuries among Working Adolescents in New York State," passim. See also "Work-Related Injuries Among Teenagers 'A Substantial Problem,' Researchers Say," *BNA Occupational Safety and Health Daily*, June 8, 1993; Michael Powell, "2 Doctors Gauge the Suffering," *New York Newsday*, January 8, 1989.

29. Dumaine with Jacob, "Illegal Child Labor Comes Back. "

30. Stephen G. Hirsch, "Grand Union Settles Child Labor Case Violations at 35 New York Stores," *Bergen Record*, January 27, 1994.

31. Bruce D. Butterfield, "Children at Work, II: Youths at Risk on the Family Farm," *Boston Globe*, April 23, 1990.

32. Bruce D. Butterfield, "Children at Work, V: The New Harvest of Shame," *Boston Globe*, April 26, 1990.

33. See e. g., Joseph P. Ritz, "Crackdown Set on Child-Labor Violations," *Buffalo News*, May 30, 1993; Bruce D. Butterfield, "Children at Work, III: Long Hours, Late Nights, Low Grades," *Boston Globe*, April 24, 1990.

34. Richard L. Worsnop, "Learning May Be Better Job than Flipping Burgers," *Chicago Tribune*, January 6, 1991.

35. Kirk Victor, "Kids on the Job," *The National Journal*, July 14, 1990. See also Don J. Pease, "End Child-Labor Abuse," *Christian Science Monitor*, April 4, 1990.

36. Jill Lawrence, "Part-Time Jobs Often Pay for Luxuries, Interfere with School Work; Teen-Age Earning and Learning Don't Always Mix, Educators Discover," *Los Angeles Times*, July 30, 1989.

37. Quoted in Butterfield, "Children at Work, V: The New Harvest of Shame. "

38. See the compilation, *Laws Governing the Employment of Minors* (Albany, NY: New York State Department of Labor, June 1993).

39. N. Y. Labor Law, sec. 142 (McKinney, 1991).

40. N. Y. Labor Law, sec. 143 (McKinney, 1991). The twenty-eight-hour-per-week limit makes New York tougher than every major industrial state except California and Pennsylvania, which also have a twenty-eight-hour-per-week limit. By contrast, New Jersey's weekly maximum is forty hours; Connecticut, Massachusetts, and Texas adopted forty-eight hours; and Ohio has no limits. Sam Howe Verhovek, "New Limits Set on Job Hours for Students," *The New York Times*, 29 June 1991, at 25, 28.

41. Ibid.

42. The term comes from New York State's application to the United States Departments of Education and Labor for an implementation grant under the federal School-to-Work Opportunities Act, signed into law by President Bill Clinton in May 1994. See the application, "New York—The State of Learning: Building a School-to-Work Opportunities System in New York State. "

43. Paul F. Cole, "Children at Work: Peril or Promise?" (Albany, NY: New York State AFL-CIO, 1991), 8.

44. Reported in Anne C. Roark, "Child Laborers Still Exploited, Study Finds," *Los Angeles Times*, September 6, 1992.

# Teaching Strategies for Chapter 4

## Background for Activity A

There is no better resource for students than their peers to learn about child labor in their own community.

## Activity A

Each student will interview one or two teenagers who are currently working outside the home for wages. After compiling information, each student will contribute an article to a newspaper on child labor issues which is prepared by the class.

## Directions

1. For this activity the students will become researchers assigned to investigate teenagers in the workplace.

2. Distribute the accompanying Interview Worksheet. Students should be encouraged to interview friends and family, but the jobs cannot be home chores.

3. Discussing the following strategies will help students prepare for their interview:

- Explain to the person why you want to conduct the interview.
- Arrange for a time to speak to the teenager by phone or in person.
- Take notes and paraphrase the information you hear.
- Keep in mind your purpose is to ask questions, listen, and take good notes.
- Students could ask additional questions to gather pertinent information.
- If permission is given, tape record your interview.

4. Have students bring interview notes to class. In a large group or in small groups have students compile their information into categories such as: types of work, responsibilities, benefits of work, reasons for work, dangers of work, and restrictions on teen workers, etc. Students should make two or more conclusions based upon the compiled information.

5. Have students write a short article on one of the conclusions citing the evidence used to come to that conclusion.

6. Compile the articles into a class newspaper on child labor. This paper can be distributed in school, to local employers and even sent to the New York State Commissioner of Labor, State Office Building Campus, Albany, NY 12240.

7. An alternative is for students to put their article in the form of a letter and send it to the editor of a local newspaper for possible publication. Students could also make their articles into posters with visuals for a display in school.

# Interview Worksheet

## Sample Questions

1. How old are you?

2. Where do you work? How many hours in an average week?

3. Why do you work?

4. What job do you perform?

5. What are your responsibilities at work?

6. How much do you earn per hour? What is the minimum wage?

7. Do you have working papers? How did you get them?

8. What are the dangers of your job?

9. What are the benefits of working?

10. What are the drawbacks of working?

11. What are your rights as an employee?

12. What are your responsibilities as an employee?

13. Does your employer limit the work you do? Why?

14. Does your employer know the child labor laws? How do you know?

15. How do your parents feel about you working?

## Background for Activity B

By now, students have examined child labor history and legislation. They also have interviewed teenagers who work. It is important for students to have this background as they examine current laws and conditions of teenage employment. It is important for them to know that today's laws were not created in a vacuum and that violations still exist despite the laws.

## Activity B

Students will examine current child labor legislation of New York State using the pocket guide, "New York State Labor Law Guide for Minors" and information obtained from the New York State Department of Labor such as "Laws Governing the Employment of Minors."

## Directions

1. To distribute the pocket guide, copy it back-to-back, cut at the appropriate places, and have the students fold at the appropriate places so they can keep their guide as a pocket reference after the lesson.

2. Divide the class into small groups and allow time for students to read the guide and other pertinent information. They should discuss its contents in small groups using the questions below to stimulate discussion. Teachers should point out that it is New York State employers who are responsible for meeting these regulations.

3. Questions for discussion:

- Did any of the information in the pocket guide surprise you? Why?
- Were these regulations met by the employers of the people you interviewed?
- Which regulations do you view as positive?
- Which do you view as negative?
- Can you recommend any other labor laws that should be added to the pocket guide?
- Select a regulation and explain why it exists.

4. Have students review the Child Labor Preview Worksheet from chapter 1. Students should compare their answers on that worksheet to the New York State Child Labor Regulations. They should discuss which of their answers would now change and why.

## Teenagers Have Rights under the NYS Labor Law

**Some of these rights include:**

- A workplace that is safe and healthy.
- Earnings of at least the minimum wage.
- Payment for all the hours that you work.
- Posting of your working hours and other conditions at your employment site.
- A meal period of at least one half hour, depending on the length of your shift.

If you think your rights have been violated or you have any questions, call the Division of Labor Standards nearest you:

| | |
|---|---|
| Albany | (518) 457-2730 |
| Binghamton | (607) 773-7127 |
| Brooklyn | (718) 797-7127 |
| Buffalo | (716) 847-7141 |
| Hempstead | (516) 481-6064 |
| Rochester | (716) 258-4550 |
| Syracuse | (315) 428-4057 |
| Utica | (315) 793-2321 |
| White Plains | (914) 997-9521 |

This pamphlet was made possible by the New York Labor Legacy Project, a consortium of teachers, labor unions, and NYS agencies. If you would like more information about the Labor Legacy Project, please call or write to:

Council for Citizenship Education
Russell Sage College
Troy, New York 12180, (518) 270-2363

# New York State Labor Law Guide for Minors

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# New York State Labor Law Guide for Minors

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## Did you know?

- You must have an employment certificate or permit to work if you are under 18, even if you work for your parents.
- Working papers can be picked up at your school.
- Certain occupations require special permits for minors such as acting or modeling.
- Your employer may not reduce your paycheck if you accidentally break something while working.
- It is a good idea to keep track of your work hours on a calendar at home to verify that you are being paid for all the hours you work. Take this calendar with you if you have to make a complaint.
- Even though most employers give break periods, you are not entitled to one by law.

## Working Hours

***If you are 14 or 15 years of age you may be employed only:***

3 hours on a school day or a day preceding school
8 hours on a weekend day
18 hours total in a week
6 days a week

***If you are 16 or 17 years of age, you may be employed only:***

4 hours on a school day
8 hours on a weekend day
28 hours total in a week
6 days a week

- Keep in mind that there are different hours for school breaks and summer vacations.
- New York is the only state in the nation that bases extended work hours on proof of satisfactory academic performance.

## For your safety

There are certain occupations in which minors are not allowed to work:

***If you are under the age of 18, you may not be employed or assist in:***

- Any construction, demolition, roofing, or excavation.
- The operation of circular saws, bandsaws, or guillotine shears.
- Working as a helper on a motor vehicle.
- The operation of power-driven hoisting apparatus.
- Adjusting belts on machinery or cleaning, oiling, or wiping machinery.

***If you are under the age of 16 you may not be employed or assist in:***

- Using any machines involved in washing, cutting, slicing, pressing, or mixing.
- Painting or cleaning a building's exterior in connection with its maintenance.

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## Background for Activity C

By grades 7 and 8, students need to begin to see links between school, work, and career opportunities. Middle school is a good time to discover abilities and interests and to begin to formulate career and educational plans.

## Activity C

Each student will complete and discuss the accompanying Career Plan Worksheet. This will give students one of their first opportunities to think systematically about their future and how to get there.

## Directions

1. Distribute the accompanying Career Plan Worksheet.

2. Have students work independently and answer the questions as best they can. This could be done for homework.

3. When the worksheet is completed, allow students to discuss their answers in small groups. Students should be encouraged to discuss their Career Plan Worksheet with their parents and guidance counselors.

4. Summarize their answers in a class discussion.

5. Additional discussion questions for group discussion or for a written assignment:

- How do the educational opportunities available to you compare with those of children who lived in the 1800s?
- How would you compare the work opportunities available to you and to the children of the late 1800s?
- What might life be like for some children if there were no child labor laws?

## Enrichment Activities

Invite speakers to discuss the skills needed to perform specific jobs. Sources for speakers include:

- local unions-representatives who can explain apprenticeship programs available and the type of work members do as well as the role played by unions today. Look under labor organizations in the yellow pages or contact the New York State AFL-CIO, 100 S. Swan St., Albany, NY 12210.
- New York State Department of Labor; contact the local office.
- professional organizations/associations.

# Career Plan Worksheet

1. Imagine yourself fifteen years from now. How old will you be? What career do you see yourself in? Why?

2. What kind of education do you need to enter your career? Why?

3. What kinds of skills do you need in order to be successful in that career?

4. List the jobs you could do as a teenager to help prepare yourself for your chosen career? (Think about what you would learn from jobs such as working in a restaurant, having a paper route, baby-sitting, lawn work, etc.)

5. Select one of the jobs identified in question 4 and make a list of all the skills you could gain from that job which would be necessary for your career choice.

## Background for Activity D

The exploitation of child labor has been and remains an international issue, especially in today's global economy. The abuses found in the United States are magnified in countries which make the consumer goods purchased by our protected youth, and offer few if any protections to its child workers. By researching this issue students can begin to see—through the eyes of children around the world—how Americans are affected by international economics and politics.

## Activity D

Students will use the media center or library to research international child labor situations using the accompanying worksheet.

## Directions

1. Have students read a recent news article on international child labor to introduce them to the issue of child labor around the world. Many articles have been written on this subject. One example is "Asia's Underage Labor," *World Press Review*, November 1993, p.41. Locate the country or countries reported on a map. Have students compare and contrast the information in the article with what they know about child labor in the United States.

2. Distribute the accompanying Child Labor Global Investigations Worksheet to students. By the end of grade 8 they should know how to research information using periodicals in the library. If not, this is an opportunity for students to learn.

3. After students have finished the worksheet, compile a master list of the places and problems of child labor they found. Locate these places on a map. Use the following questions for discussion:

- How do other countries view child labor?
- Why do some nations feel it is not a problem?
- What should be the United States policy toward countries which abuse child labor?
- What federal and state policies should be adopted toward American companies that trade with and use manufacturing facilities of these countries?
- Should we have economic sanctions against these countries?
- How were economic sanctions once used in our nation to fight the abuses of child labor?
- Compare foreign examples of child labor to what is happening in our country today.

## Vocabulary

compensation
advocates
incidentals
service fields
retail fields
fringe benefits
minimum wage
exploitation
mandated
industrial homework
disability

# Child Labor Global Investigations

Use the library or media center to complete the following assignments on international child labor.

Name of source: Date of publication:

Location of source:

Name of country: Continent:

Description of the child labor problems found in this country:

Types of industries found there:

Laws or protections for children found there:

Trade unions or advocacy groups for children in this country:

How is this problem viewed by the United States? By the rest of the world?

What are your suggestions to solve this problem?

# Suggested Resources

## Books and Other Publications

*By the Sweat and Toil of Children: The Use of Child Labor in American Imports.* Bureau of International Labor Affairs, U.S. Department of Labor, 1994.

Cole, Paul. *Children at Work: Peril or Promise?* Albany, NY: New York State AFL-CIO, 1991.

Flagler, John. *The Labor Movement in the United States.* New York: Lerner, 1990.

Glazer, Joe. *We've Only Just Begun: A Century of Labor Song.* By Collector Records for the American Federation of Teachers, 1982. Sound Recording.

Headden, Susan. "Made in The U.S.A." *U.S. News & World Report,* November 22, 1993.

*How the New York State Labor Law Protects You.* New York State Department of Labor, 1993.

*Laws Governing the Employment of Minors.* New York State Department of Labor, 1993.

Meltzer, Milton. *Cheap Raw Material.* New York: Viking, 1994.

Meltzer, Milton. *Bread and Roses.* New York: Knopf, 1991.

Sinclair, Upton. *The Jungle.* New York: Doubleday, Doran, 1906.

Spargo, John. *The Bitter Cry of the Children.* Chicago: Quadrangle, 1968.

Steinbeck, John. *Cannery Row.* New York: Penguin Books, 1978.

*Working Papers: Facts for Teenagers Under 18.* New York State Department of Labor, 1993.

## Movies

*Harlan County, U.S.A.* Dir. Barbara Kopple. 1977. C-103. (Documentary)

*Newsies.* Dir. Kenny Ortega, with Christian Bale, Luke Edwards, et al. 1992.

*Norma Rae.* Dir. Martin Ritt, with Sally Field, Ron Leibman, Beau Bridges, Pat Hingle, et al. 1979. C-113.

# About the Authors

**Richard B. Bernstein** is adjunct associate professor at New York Law School and senior research fellow of the Council for Citizenship Education, Russell Sage College. He has written or edited twelve books on American constitutional history, including *Are We to Be a Nation? The Making of the Constitution* (with Kym S. Rice) and *Into the Third Century: The Congress, The Presidency, The Supreme Court* (with Jerome Agel). A graduate of Amherst College and the Harvard Law School, he is completing work for a doctorate in American history from New York University and has served on the faculty at Rutgers University, Newark. He has been co-curator of the New York Library's Constitution Bicentennial Project, historian of the New York City Commission on the Bicentennial of the Constitution, co-curator of the Congress Bicentennial Project of the Library of Congress, and research director of the New York State Commission on the Bicentennial of the U.S. Constitution. He currently serves as assistant editor of The Papers of John Jay and is completing a history of the First Congress. He lives in Brooklyn, New York.

**Kathleen Cotugno-Surin** is an English teacher at Niskayuna Middle School, Niskayuna, New York. She has written curriculum and designed an integrated English/social studies student portfolio. She developed an extensive unit on the Holocaust for the middle level using historical literature and primary source documents in an integrated approach to the teaching of English.

**Raymond A. LeBel** is a social studies teacher at Niskayuna Middle School, Niskayuna, New York. He has written curriculum for the *Crossroads* project, a federally funded educational partnership between Niskayuna and The Sage Council for Citizenship Education to develop a comprehensive and seamless American history curriculum for all grade levels. LeBel has also played an active role in Niskayuna's Middle School redesign.

**Stephanie A. Schechter** has been a social studies teacher for twenty-three years. She currently teaches at Niskayuna Middle School, Niskayuna, New York, where she and Kathy Cotugno-Surin developed interdisciplinary units for social studies and English. Schechter is co-editor for 1993-1996 of the *Social Science Record*, the journal of the New York State Council for the Social Studies. She was a curriculum writer for the *Crossroads* curriculum and has been a member of the Labor Legacy Project since its inception.

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